



CrI.O.P.No.23909 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(aaa), 4(1-A) of T.N.P.Act r/w 6, 7 of T.N.R.S.Rules, 2000 and 8(c), 20(b)(ii)(A) of NDPS Act, 1985 in Crime No.57 of 2023 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.02.2023, when the respondent police was on regular patrol duty, the petitioner along with other accused standing there in a two wheeler and on seeing the police, they tried to escape from the scene of occurrence, thereby the respondent police caught hold of them and on search, they found that they were in possession of 105 litres of rectified spirit and 200 grams of ganja illegally and seized the same. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is ranked as A4 and he has been falsely implicated in this case. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would submit that the respondent police foisted the case only for statistical purpose and there is no previous case pending against him. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is having 6 previous cases, which are similar in nature and if he is released on bail, he will tamper the evidence. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the fact that the investigation was completed and the other accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Kallakurichi, **on condition that the petitioner shall deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, Chennai. Current Account No.484026006, IFSC No.IDIB 000M157, Indian Bank, High Court Branch within a period of two weeks from the date of receipt of copy of this order and the petitioner shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety shall be blood relative of the petitioner, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:**



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[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. for a period of six months.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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