



Crl.O.P.No.27173 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 20(b)(ii)(A) r/w 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.79 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police conducted a search, wherein they found that the petitioner and other accused were found to be in illegal possession of contraband substance of 60 grams of Ganja. Hence the complaint.

3. The learned counsel for the petitioner submitted that this is the third anticipatory bail application and that the earlier anticipatory bail applications in Crl.O.P.Nos.12518 of 2024 & 17598 of 2024 were dismissed by this Court on 04.06.2024 & 25.07.2024 respectively. He



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would further submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and only based on the confession statement of A1, the petitioner has been falsely implicated in this case and his name is not mentioned in the FIR. He further submitted that A1 has been arrested and released on bail. The petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner and other accused were found to be in illegal possession of contraband substance of 60 grams of Ganja. He would further submit that the petitioner is having 7 previous cases registered against him out of which, one case of similar nature including one 302 case. He further submitted that if the petitioner is released on anticipatory bail, he would tamper the witnesses Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Advocate Clerk Association, Puducherry, within a period of two weeks from the date of receipt of a copy of this order**, on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate- III, Puducherry*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each 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 and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent on alternative days at 10.30 a.m., for a period of three 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 has been imposed and the petitioner is 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]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

07.11.2024

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