



Crl.O.P.No.29681 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act in Crime No.358 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, based on a secret information, the respondent police conducted inspection near the Check Post at Ponpadi and found that a person, who came in a two wheeler bearing Registration No.TN-20-CT-2851 was in possession of 4 kgs of Ganja. On enquiry, the accused reveals that upon instruction of A2/ Daniel, he obtained contraband along with the petitioner herein from an unknown person at Andhra Pradesh. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence and falsely implicated in this case, based on the confession of the arrested accused. He would further submit that the co-accused was arrested and released on bail. He further



submitted that the petitioner without prejudice to his contentions is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association and also ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the co-accused was found in possession of 4 kgs of Ganja and based on his confession, it is found that the petitioner is also involved in purchase and selling of ganja. He would further submit that the petitioner has three previous cases but has no NDPS case, further, the co-accused was arrested and enlarged on bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the



submissions made by the learned counsel on either side and taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of District Legal Services Authority, Thiruvallur District, without prejudice to his rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Thiruvallur District**, and on such deposit and on receipt of proof of payment, 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 ***Judicial Magistrate Court at Tiruttani*** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that: this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[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 everyday at 6:30 p.m., until further orders.

[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 petitioners in accordance with law as if the



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conditions have been imposed and the petitioners 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 269 of B.N.S.

04.12.2024

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