



WEB COPY



Crl.O.P.No.28270 of 2023

Crl.O.P.No.28270 of 2023

C.V.KARTHIKEYAN, J.

The petitioner in Crime No.10 of 2023 registered by the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(C) of NDPS Act, 1985 with respect to an occurrence which took place on 05.01.2023 seeks anticipatory bail.

2. The case of the prosecution is that, based on the complaint given by the defacto complainant/ Sub Inspector of Police, Semmanchery Police Station, Chennai, the respondent police found that the petitioner was in possession of 12 grams of Methamphetamine without any valid license. Hence, the complaint.

3. The earlier application seeking anticipatory bail in Crl.OP.No.4605 of 2023 had been considered by the learned Single Judge of this Court and anticipatory bail had been granted by an order dated 06.03.2023. However, the petitioner did not comply with the condition therein namely he should execute a bond for Rs.25,000/- together with two sureties of like sum that was only condition imposed. That apart,



Crl.O.P.No.28270 of 2023

reporting before the respondent everyday at 10.30 a.m., and 5.30 a.m., since he did not comply with the said condition, the said conditions should cancelled.

4. It is the contention of the learned counsel that subsequently yet another police station namely B1 North Beach Police Station had registered Cr.No.117 of 2023 and he had granted bail in Crl.MP.No.8041 of 2023 by an order dated 27.10.2023 passed by the Principal Special Court under EC and NDPS Act, Chennai. Consequently, it was the reason that he was unable to surrender and furnishing sureties.

5. It is seen that order granting anticipatory bail dated 06.03.2023 in FIR in Cr.No.117 of 2023, the petitioner had been remanded to judicial custody only on 25.04.2023 which is nearly after 50 days from the date of grant of anticipatory bail.

6. The petitioner had deliberately avoided furnishing of sureties, second anticipatory bail will not arise. The petition stands dismissed. However, since the petitioner had not complied with the conditions, the respondents should comply with the directions of the Hon'ble Supreme Court rendered in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW**



Crl.O.P.No.28270 of 2023

5560] and also comply with the condition as given under Section 229A IPC.

7. Taking all those facts into consideration, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Original Petition seeking anticipatory bail stands dismissed.

9. It must also be stated that the learned counsel had made a complaint that this petition has been pending for one month before this Court, but, a perusal of the docket sheet shows that it is not the fault of this Court, that is pending on and from 12.01.2023. At request, the matter had been adjourned on 29.01.2024. Today, i.e., 29.01.2024 the case had been disposed of by dismissing the said petition.

Vv

29.01.2024

C.V.KARTHIKEYAN,J.



WEB COPY



Crl.O.P.No.28270 of 2023

Vv

Crl.O.P.No.28270 of 2023

29.01.2024