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CrI.O.P.No.15239 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 8 (1)(c), 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.848 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that totally there are five accused, in which, the petitioner is arrayed as A4. It is alleged that the petitioner along with other accused had jointly were in possession of 1 kilo 250 kgs of Ganja and the specific allegation against the petitioner herein is that, the petitioner along with A1 and A5 were carrying the ganja and the other accused A2 and A3 were selling it together in Omalur area. Hence, the case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that at the time of arrest of the other accused, the petitioner was arrested and remanded to judicial



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custody from 22.11.2021 to 10.01.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused A1 to A5 were in conscious possession of the contraband (1kg 250grams of ganja) and that the petitioner directed A1 and A5 to carry the contraband while the other accused A2 and A3 were selling it in Omalur area. He also produced the confession statment given by the co-accused. He would also submit that the petitioner is having one previous case of similar in nature. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the submissions of both side counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Court, Omalur, Salem District, on condition that the



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petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood related 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 condition that:

[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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[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



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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.

04.07.2022

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