



Crl.O.P.No.24417 of 2022

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A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 8(C) r/w 20(b)(ii)(B) of NDPS Act in Crime No.160 of 2022 on the file of respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner along with other accused were found in possession of 1.140 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is the father of one Sachin. There are certain cases pending against the son of the petitioner. Therefore, the mother and father had given surety for their son namely Sachin. The respondent police foisted a case against them in connection with Crime No.156 of 2022 which was registered against the petitioner and his wife, as if, they were found in possession of 500 kgs of Ganja and thereafter, they were released on bail on 11.08.2022 and immediately within a period of 6 days the present case has been registered against them and the wife of the petitioner has been arrested. He further submitted that the petitioner had absconded fearing arrest at the hands of the respondent. He would also submit that the petitioner does not have any previous case under NDPS Act and only to prevent the



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petitioner and his wife giving legal aid and medical aid to their son, cases are being foisted against the petitioner. He would further submit that the petitioner is ready and willing to comply any conditions that may be imposed on him. Hence, he seeks to enlarge the petitioner on anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner is a habitual offender and he was found in possession of 400 grams of Ganja and one more previous case of similar nature in Crime No.156 of 2022 was also registered against the petitioner for having found to be in possession of 500 grams of Ganja. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the both sides and perused the materials placed on record.

6.Taking into consideration the facts and circumstances and also the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :



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7. Accordingly, 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 on which the copy of the order is made ready, before the Judicial Magistrate, Sriperumbadur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 Inspector of Police, Royapuram Police Station, every day at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., before the respondent Police 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

12.10.2022

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