



Crl.O.P.No.27107 of 2022

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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) r/w 20(b)(ii)(B) of NDPS Act in Crime No.1006 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 3.5 Kgs of ganga at Krishnagiri and on seeing the police, she ran away from the scene of occurrence. Hence, the complaint was registered.

3. Mr.B.Vasudevan, learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered against her. He would submit that the petitioner is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is a habitual offender and there are three previous cases of similar in nature pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, Mr.B.Vasudevan, learned counsel for the petitioner would submit that when the case has been registered during the year 2020, the petitioner has been shown as an absconded accused. He would submit that in a subsequent case, the very same respondent has foisted another case against the petitioner in Crime No.214 of 2022, in which, the petitioner was arrested and remanded to Judicial Custody on 05.08.2022. Thereafter, she was let out on bail on 27.10.2022. Further, he submit that the respondent is very well aware that cases are pending against the petitioner and they did not take any steps to remand the petitioner. He would further submit that the petitioner is ready and willing to abide any stringent condition that may be imposed on her.



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6. Heard the learned counsel and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Judge for EC & NDPS Act cases, Salem**, 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

11.11.2022

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