



Crl.O.P.No.4642 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 328 of IPC and Sections 8(c) and 20(b)(ii)(A) of the Narcotic Drugs @ Psychotropic Substances Act, 1985 in Crime No.19 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is arrayed as A2 and it is alleged that on 13.01.2023 the petitioner has supplied 100 grams of ganja to A1. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged. He would further submit that A1 was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner were found in illegal



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possession of 100 grams of Ganja. Further he submits that the petitioner has one previous case against him. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have been enlarged on bail, 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 their appearance before the learned **Judicial Magistrate No.I, Gobchettipalayam** on condition that each of the petitioner shall execute a bond for a sum 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 condition that:



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[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 is directed to report before the respondent police on every Wednesday at 10.30a.m., for a period of eight (8) weeks;

[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]**;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

02.03.2023

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