



Crl.O.P.No.5038 of 2023

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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 Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 5 and 7(3) of the Lotteries Regulation Act, 1998, in Crime No.236 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 12.02.2023 at about 2.00 p.m., based on the secret information received by the respondent police, they found that the petitioner along with the other three accused in possession of Kerala Lottery Tickets and 150 grams of Ganja and on seeing the police, the petitioner was ran away from the scene of occurrence and the other three accused persons were arrested. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as



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alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case based on the Confession Statement recorded from the arrested accused and the arrested accused have been enlarged on bail in CrI.M.P.No.390 of 2023 on 22.02.2023 by the learned Principal Sessions Judge, Tiruppur. He would further submit that other than the Confession Statement recorded from the arrested accused, there is no material available as against the petitioner. He would further submit that the petitioner is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed on him. He would also submit that the petitioner has filed an Affidavit of Undertaking and without prejudice his defence, the petitioner is ready to pay/deposit a sum of Rs.75,000/- to the Dean, Government Medical College, Tiruppur. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is a habitual offender, against whom, there are three previous cases similar in



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nature and are still pending. He would further submit that on 12.02.2023, the petitioner along with other three accused were found in possession of Kerala Lottery Tickets and 150 grams of Ganja. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the entire materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions of either side and also considering the Affidavit of Undertaking that without prejudice, the petitioner is ready to deposit a sum of Rs.75,000/- to the Dean, Government Medical College, Tiruppur, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)** as non-refundable deposit to the **"The Dean, Government Medical College, Tiruppur"** and on such deposit, the petitioner is ordered to be released on bail in the



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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 No.1, Tiruppur**, 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 deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) as non-refundable deposit to the "**The Dean, Government Medical College, Tiruppur**" and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.



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[c] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

**17.03.2023**

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