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Crl.O.P.No.7288 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 (NDPS) Act, 1985 and Sections 5 and 7(3) of the Lotteries Regulation Act, 1998, in Crime No.237 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 12.02.2023 at about 17.45 hours, the de-facto complainant namely Raju, Sub-Inspector of Police, Tiruppur North Police Station was lodged a *suo motu* FIR that on 12.02.2023 at about 14.00 hours, when he was in the police station, he received an information from a person that on 12.02.2023 at 2.45 p.m., three suspected persons would sell "Kanja" near Mel Tiruppur Colony Malai Kovil, if he came, he would identify the persons, and based on the information, the de-facto complainant and his police party rushed the said place and and they watching the area and at that time, two suspected



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persons came in a two wheeler and the de-facto complainant intercepted them and they themselves identified that one Surendar S/o.Kalimuthu and one Vignesh S/o.Murali. Thereafter, the de-facto complainant received an alleged Confession Statements from the accused and recovered 350 grams of Kanja. The police had also recovered three dairies containing three numbers and three cellphones viz., Read mi, Utel and Nokiya. Both the accused were taken to the police station and a case was registered by the respondent police in Crime No.237 of 2023 under Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and Sections 5 and 7(3) of the Lotteries Regulation Act, 1998 against three named persons. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, based on the Confession Statement recorded from the arrested accused, from whom, the contraband has been seized/recovered. She further submitted that the fact remains that the petitioner was earlier arrested and a case was registered by the very same respondent police



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and later he has been granted bail by this Court in CrI.O.P.No.1138 of 2023 vide its order dated 20.01.2023 and he has complying with the conditions mentioned therein. She further submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. She also submitted that without prejudice, the petitioner is ready and willing to deposit Rs.10,000/- to the Dean/Medical Officer, Government Medical College Hospital, Thiruppur. Hence, she prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that based on the secret information received by the respondent police, they found that the petitioner along with other accused were found in possession of 350 grams of Kanja and three dairies containing three numbers and three cellphones and the entire contraband has been seized/recovered. He further submitted that the petitioner is a habitual offender, against whom, there are three previous cases, out of which, one case was registered under NDPS Act



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and two other cases were registered under the Lotteries Act. 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 voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Dean/Medical Officer, Government Head Quarters Hospital, Thiruppur District, without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the counsel on both sides and also taking



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note of the fact that the petitioner had come forward to deposit the aforesaid amount to the Dean/Medical Officer, Government Head Quarters Hospital, Thiruppur District, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to **"The Dean/Medical Officer, Government Head Quarters Hospital, Thiruppur District"** and on such deposit and on receipt of proof of payment, 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 No.1, Thiruppur**, 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:



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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 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to **"The Dean/Medical Officer, Government Head Quarters Hospital, Thiruppur District"** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] **the petitioner shall report before the respondent police every day at 6.30 p.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]**.



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

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