



Crl.O.P.No.11456 of 2023

Crl.O.P.No.11456 of 2023

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), 20(b)(ii)(B), 29(1) of NDPS Act, 1985 in Crime No.249 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.04.2023 is that one Ajith, Suresh and Aakash were found in possession of 3.3 kgs of Ganja later based on their confession, the petitioner was arrayed as an accused. During enquiry, the accused had disclosed that they used to purchase Ganja from one Saravanan and Jopher and Rahul. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to personal animosity the petitioner name has been falsely implicated in this case, based on the confession statement of the arrested accused. He further submitted that earlier the petitioner was arrayed as an accused in Crime No.74 of 2023



Crl.O.P.No.11456 of 2023

registered by the R.S.Puram Police Station. He further submitted that he was granted anticipatory bail in this case. However, in order to fixing him and arrest him, the petitioner name has been referred in the present case and thereby the petitioner was arrested and the petitioner has no previous case pending against him under the NDPS Act. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that based on the secret information, the respondents have arrested one Ajith, Suresh and Aakash who were found to be in possession of 3.3 kgs of Ganja and later based on the confession of the arrested accused, the petitioner was arrested and during enquiry, the accused had disclosed that they used to purchase Ganja from one Saravanan, Jopher and Rahul. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records.



Crl.O.P.No.11456 of 2023

WEB COPY

6. 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore**, on condition that 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:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



Crl.O.P.No.11456 of 2023

obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned Judicial Magistrate II, Coimbatore on all working days 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]**.



Crl.O.P.No.11456 of 2023

WEB COPY

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

05.06.2023

jas



WEB COPY



Crl.O.P.No.11456 of 2023

A.D.JAGADISH CHANDIRA, J.

jas

Crl.O.P.No.11456 of 2023

05.06.2023