



Crl.O.P.No.15591 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 8(c), 20(b)(ii)(B), 25 and 29(i) of NDPS Act, in Crime No.871 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons found in possession of 2 kg of Ganja. Hence the complaint.

3.The learned counsel for the petitioner submitted that this is the second application for anticipatory bail filed by the petitioner and the earlier application for anticipatory bail in Crl.O.P.No.10582 of 2023 was dismissed on 12.06.2023, since it was submitted by the prosecution that the petitioner has yet another case registered against him in Cr.No.267 of 2022 by Arachalur Police Station, where the petitioner was found in possession of 19.8 kgs of Ganja. He further submitted that both the cases were registered during the same period and that in Crime No.267 of 2022, the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.7316 of 2023 dated



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05.04.2023. He also submitted that there is no recovery from this petitioner.

Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent Police would submit that the petitioner is a habitual offender, against whom, a case in Crime No.267 of 2022 has been registered on the file of the Arachalur Police Station. As far as this case is concerned, the petitioner along with other accused were found in illegal possession of 2 kg of Ganja. He also submitted that both the cases were registered during the relevant period. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contentions, is ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government and the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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6. Heard the learned counsel for the petitioner as well as the learned

Government Advocate and perused the entire materials available on record.

7. On considering 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, IRT Perundurai Government Medical College, Perundurai, Erode District", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited 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.

9. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and that the petitioner has been granted anticipatory bail in another case in crime No.267 of 2022, this Court is inclined to grant anticipatory bail to the petitioner.



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10. Accordingly, the petitioner is directed to **deposit a sum of**

Rs.10,000/- (Rupees Ten Thousand only) directly to the credit of "The Dean/Medical Officer, IRT Perundurai Government Medical College, Perundurai, Erode District", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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, Perundurai, Erode District, 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 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 daily at 6.30 p.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;

17.07.2023

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