



Crl.O.P.No.14711 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 8(c), 20(b)(ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.277 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the allegations against the petitioner is that petitioner ran away from the spot where the co-accused were arrested with Ganja. The allegation that the petitioner was present at the spot is not true. Petitioner is a student and he has been falsely implicated in this case.

3. In response, the learned Government Advocate (Crl.Side) submitted that on getting secret information, the respondent police, on 16.06.2023 at 6.45 a.m., visited the Velipalayampaapan graveyard to prevent the NDPS offence. On seeing the police, accused tried to escape from the spot and in fact accused Nos.4, 5 and 6 escaped from the scene of occurrence. Remaining three accused were arrested and after



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following necessary procedures, it was found that they were in possession of 1 KG and 500 grams of Ganja.

4.The admitted case of the prosecution is that there was no recovery made from the petitioner. Petitioner is a student and in support of this claim, a copy of the college ID card is produced.

5.Considering the facts and circumstances of this case and that custodial interrogation of the petitioner is not necessary in this case, this Court is inclined to grant anticipatory bail to the petitioner and 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.II, Nagapattinam** 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



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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 report before the respondent police everyday 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].



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

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