



Crl.O.P.No.15740 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 Sections 8(b), 8(c), 20(a) (i) and 20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.363 of 2022, registered on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found to be in possession of 8 kgs of Ganja and on seeing the police, the petitioner ran away from the scene of occurrence. Hence, the complaint.

3. Learned counsel for the petitioner would submit that this is the second application for anticipatory bail. The earlier application for anticipatory bail was dismissed in Crl.O.P.No.9449 of 2023 dated 05.06.2023 stating that the petitioner has got one previous case pending against him. He further submitted that on verification, it came to light that



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the petitioner has no previous case pending against him and even as far as this case is concerned, the allegation against the petitioner is that he has assisted A1 and A2 in cultivating Ganja in their property. He further submitted that the petitioner has been implicated in this case only based on the confession of A1 and A2 who have been later released on bail. He further submitted that other than an agricultural coolie in the lands of A1 and A2, the petitioner does not know anything about the offence.

4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that as far as this petitioner is concerned, he has no previous case against him. He further submitted that the petitioner had assisted A1 and A2 in cultivation of Ganja in their property. He further submitted that from the possession of A1 and A2, 8 kgs of Ganja was recovered and therefore, he objects for grant of bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. This Court, on earlier occasion had dismissed the anticipatory bail application since it was represented that the petitioner has got one previous case of similar in nature against him. Now, it is stated that he has no previous case and there is no recovery from the petitioner and A1 and A2 have arrested and enlarged on bail.

7. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall make a non-refundable deposit of a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the **"The Dean/Medical Officer, Government Medical College and Hospital, Kallakurichi**, and 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, Sankarapuram**,



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Kallakurichi 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.

[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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