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Crl.O.P.No.16130 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 22(b) of Narcotic Drugs & Psychotropic Substances Act 1985 in Crime No.115 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that he is falsely implicated in this case on the basis of the confession statement of the co-accused. There is no recovery of Narcotic and Psychotropic substances from the petitioner. Apprehending arrest in Crime No.115 of 2023 for the offences under Sections 22(b) of Narcotic Drugs & Psychotropic Substances Act 1985, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that, on 10.05.2023, at about 12.30 p.m., the respondent police found two person under suspicious circumstances



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near Avilla Convent, Venkitapuram, Kovai Thadagam Road. Police apprehended only Hariharan and another person escaped from there. On search, Hariharan was found with 80 tablets of TYDOL TM 100. On basis of the confession statement given by the accused Hariharan, A2 & A3 are implicated in this case. There is no recovery from A2 & A3. He further submitted that TYDOL TM 100 is not a scheduled product under NDPS Act.

4. Considering the fact that petitioner is implicated only on the basis of confession statement of the co-accused, there is no recovery of Narcotic and Psychotropic substance from him and that TYDOL TM 100 is not a scheduled product under NDPS Act, this court is of the view that custodial interrogation of the petitioner is not necessary. 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 Addl. 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.25,000/-**



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(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:

[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.



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[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.

25.07.2023

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