



Crl.O.P.No.17795 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Section 8(c) r/w.20(b)(ii)(B) of NDPS Act, 2012 in Crime No.1001 of 2022 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.12.2023, based on the information that A1 is selling ganja in two wheeler, the Respondent police had gone to Kaikatti Vellar, at that time the A1 was riding his Honda Dio two wheeler bearing Reg. No.TN 29 CA 7204, when the Respondent police inspected him, they found and seized 1.2 kgs of ganja from A1. The Petitioner/A2 absconded from the scene of occurrence. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that she is no way connected with this case. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that 1.2 kgs of ganja was recovered from the accused. A1 was already arrested and released on bail and the Petitioner herein absconded from the scene of occurrence. He is vehemently opposed to grant anticipatory bail to the Petitioner.



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

6. Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that A1 was already arrested and released on bail, I am 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 Special Judge for EC/NDPS Act Cases, Salem** on condition that the Petitioner shall execute a separate 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., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further**



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orders;

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[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 Petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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