



Crl.O.P.No.21470 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 Sections 8(c), 20(a)(i) of NDPS Act and Section 5 of Explosive Substances Act, 1908, in Crime No.139 of 2023, 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 in possession of 2 Ganja plants weighing 1 Kg 225 grams and also 5 Gun Powders and detonator with wire. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is doing well digging job and he use to do rock breaking in quarries. He would further submit that the petitioner has no knowledge about the Ganja planting and



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alleged possession of Gun Powder by A1. He would also submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused were found in possession of 1 ½ Kgs of Ganja plant and 5 Gun Powders. He would further submit that based on the confession statement of the A1, this petitioner A2 has been implicated in this case. Further, there is recovery of Gelatine sticks and explosives from the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also taking into consideration the specific overt act as against the petitioner that he has purchased the explosives for digging wells, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:



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6. 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 **District Munsif cum Judicial Magistrate Court, Kothagiri**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (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 daily at 10.30 a.m., until further 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 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.

**21.09.2023**

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