



Crl. O.P. No.1216 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 (c) r/w 20 (B) (ii) (B) NDPS Act, 1985, in Crime No.46 of 2023, on the file of the respondent police seeks anticipatory bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in the case registered in Crime No.46 of 2023, for the offences under Sections 8 (c) r/w 20 (B)(ii)(B) NDPS Act, 1985. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) that the first and second accused were selling Ganja in ECR road and they were secured and the respondent recovered 1.100 Kgs of Ganja from them. It is stated that on the basis of A1's confessional statement, the petitioner herein has been arrayed as an accused and the petitioner has three previous cases of similar nature. Thus, he prayed for dismissal of



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this petition.

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4. The earlier application seeking anticipatory bail was dismissed by this Court in Crl. O.P. No.24121 of 2023 on 20.10.2023.

5. The one significant change in circumstances is that A1 and A2 who had been arrested were subsequently granted bail and A4 had been granted anticipatory bail. Taking these factors into consideration, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned Additional District and Sessions Judge, Presiding Officer and Special Court for E.C. Act cases, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent



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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.

[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.

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