



Crl.O.P.No.5080 of 2024

WEB COPY

Crl.O.P.No.5080 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/first accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 8(c), 20(a)(i) of Narcotic Drug and Psychotropic Substances Act 1985 in Crime No.54 of 2023, seeks anticipatory bail.

2. It is stated that the petitioner had grown two cannabis plants in the ragi field. The weight of the ganja is 450 kgs.

3. The learned counsel for the petitioner stated that the petitioner is residing in the hill tribal area and ignorant of the seriousness, the plants had been grown. They have been removed. The petitioner is granted anticipatory bail with conditions to disclose all information about such growth of plants, not only by him but by everyone else in that particular area.

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate-II, Bhavani, on condition that the petitioner shall execute a



Crl.O.P.No.5080 of 2024

WEB COPY

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 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



Crl.O.P.No.5080 of 2024

WEB COPY 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.

6. Additionally a copy of this order may be forwarded to the Principal District Judge at Erode, who may direct the jurisdictional Chief Judicial Magistrate and the Legal Services Authorities in that particular area with the assistance of DSP, Bhavani, to sensitise the people about the growing of Cannabis and that if at all number of plants are seized, they would be facing prosecution which would only be adverse to their interest.

04.03.2024

vsg

Copy to:

Principal District Judge at Erode

C.V.KARTHIKEYAN, J.



WEB COPY



CrI.O.P.No.5080 of 2024

vsg

CrI.O.P.No.5080 of 2024

04.03.2024