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Crl.O.P.No.27920 of 2023

C.V.KARTHIKEYAN, J.

The Petitioner/A4 herein seeks anticipatory bail in Crime No.295 of 2023 registered by the respondent Police for the offences under Sections 8(c), 20(b)(ii)(B) and 25 NDPS Act.

2. The learned counsel for the petitioner submitted that the respondent police seized 1.200 kgs of ganja from the 1st accused possession only and not from the 4th accused. The learned counsel for the petitioner further stated that he has been falsely implicated as an accused in this case. Apprehending arrest from the respondent police, he seeks bail to the petitioner.

3. The learned Government Advocate (Criminal Side) stated that the petitioner is the 4th accused. The earlier application for anticipatory bail was dismissed on 24.11.2023 in Crl.O.P.No.25660 of 2023. The accused Nos.1 to 3 were arrested and from the possession of the first accused, 1.200 kgs of ganja had been seized. Thus, he prays for dismissal of this petition.

4. However, considering this change in circumstances, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. 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 at Coimbatore**, on condition that the petitioner shall execute a 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 is directed to deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of “The Dean, Government General Hospital, Coimbatore, for the treatment of the needy patients”.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.01.2024

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