



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6643 of 2020

1. Achu,
2. Anudhu, ... Petitioners/Accused Nos.A1 and 2

Vs

State: The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari, Kanyakumari District.
(Crime No. 599/2020). ... Respondent/Complainant

For Petitioners : Mr.Ka.Raamakrishnan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

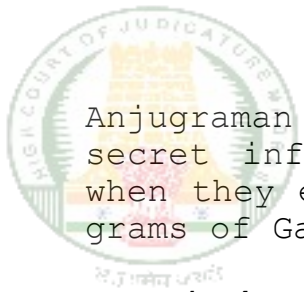
For Bail in Crime No. 599 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioners are arrayed as accused Nos.1 and 2. They were arrested and remanded to Judicial Custody on 27.05.2020 for the offences punishable under sections 8c r/w 20(b)(ii)A of NDPS Act, 1985, in Crime No.599 of 2020 on the file of the respondent police. They seek bail.

3.The case of the prosecution is that the defacto complainant, who is the Sub-Inspector of Police in the respondent Police Station, has received secret information through one informer that the above accused are bringing Ganja and on 26.05.2020 at 9.00 O' clock at



Anjugraman Junction when the above SI was in raid with regard to the secret information the above informer identified the persons and when they escaped to run, they were apprehended and have seized 100 grams of Ganja worth of Rs.2500/-. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners were arrested and remanded to judicial custody on 27.05.2020 while the first petitioner was taking treatment in Government Hospital. From the remand report, it is seen that both the accused are having injuries in the respective hands of their respective bodies.

5.The learned Additional Public Prosecutor submitted that no previous case is pending against the petitioners.

6.Taking note of the quantity, namely 100 Grams of Ganja that was seized, I am inclined to enlarge the petitioners on bail with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District;

(b)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;

(c)The petitioners shall report before the respondent Police daily, until further orders, for interrogation;

(d)The petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)The petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/06/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No-I,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6643 of 2020
Date :25/06/2020

MYR
AE/PN/SAR-III (25.06.2020) 3P 6C