



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1802 of 2021

Kannan Siva

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Rameshwaram Jetty Police Station,
Ramanathapuram District.
Crime No.274/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Kanagarajan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.No. 274 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 25.12.2020 for the offences punishable under Section 78 of Juvenile Justice (Care and Protection of Children) Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner was using children for selling narcotic drugs. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner and his wife are living separately and the petitioner's wife is having some illicit relationship with some other person and when the same was questioned by the petitioner a false case has been foisted against the petitioner. He would also submit that the petitioner was in jail for more than 90 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner was using children for selling narcotic drug and 500 gms of ganja was also recovered from him, hence he opposed to grant bail to the petitioner.

5. It is seen that the petitioner herein is the father of the victim girl. Further the said 500gm ganja was seized in one lot and not in small packets. Already the relationship of the petitioner with his wife and children are strained.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Rameshwaram

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/02/2021

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
RAMESHWARAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
RAMESHWARAM JETTY POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, RAMNAD.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1802 of 2021
Date :17/02/2021

AAV
TK/VR/SAR.3/17.02.2021/3P/6C