



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

RESERVED ON : 23.04.2021
PRONOUNCED ON : 30.04.2021

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP(MD) . No.3550 of 2021

Jerin Raj ... Petitioner/Accused No.4

Vs

State rep.by,
The Inspector of Police,
Marthandam Police Station,
Kaniyakumari District.
Cr.No. 911 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Yogeswaran, Advocate for
Mr.G.Naveen kumar, Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.911 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The case of the prosecution against this petitioner and
the other accused is that, on prior intimation, the police party
found the accused, namely, Jensilin, Aksah Esly, Rabrin and Jerin
Raj in possession of 1.250kms of ganja. On seeing the police, the
petitioner Jerin Raj escaped from the spot. Therefore, this case.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent and he was wrongly implicated in the case.

4.The learned Government Advocate (Criminal) opposed this
petition.



5. Considering the fact that the contraband involved in this case is only 1.250gms and that has been recovered, this Court is 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 before the learned Judicial Magistrate, Kulithurai and 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge concerned 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 respondent police daily at 10.30 am., 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/04/2021

/ 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.



TO

1.THE JUDICIAL MAGISTRATE, KULITHURAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3.THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANIYAKUMARI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3550 of 2021

Date :30/04/2021

VRN

PK/AKM/SAR-IV/18.05.2021 : 3P/5C