



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10585 of 2021

Gokulprasanth

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Manalmedu Police Station,
Myilladuthurai,
Nagapattinam District.
Crime No. 585 of 2021.

... Respondent/Complainant

For Petitioner : M/S.T.A.EBENEZER ,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.585 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 16.07.2021 for the offence under Section 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime.No.585 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 2.200 kg of ganja.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is ready to file an affidavit of undertaking that he will not indulge in any



other offences in future. He further submitted that the petitioner is in jail for the past 26 days, hence he may be granted bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner is not having any antecedents of similar in nature and the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the fact that the petitioner is not having any bad antecedents and is ready to file an affidavit of undertaking that he will not indulge in any other offences in future and the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 No.I, Mayiladuthurai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file an undertaking affidavit that he will not indulge in any other offences in future.

[c] the petitioner shall appear before the respondent police daily at 10.30 am. and 5.30 p.m until further orders.

[d] the petitioner shall not tamper with the 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 229-A IPC.

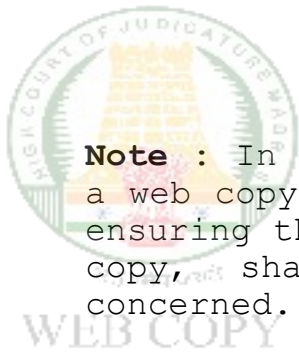
sd/-

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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
MAYILADUTHURAI
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT.
- 3.THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.
- 4.THE INSPECTOR OF POLICE
MANALMEDU POLICE STATION, MYILLADUTHURAI,
NAGAPATTINAM DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10585 of 2021

Date :11/08/2021

SA/PN/SAR.1/11.08.2021/3P/6C