



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 10.12.2021
Pronounced on : 23.12.2021
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) .No.19377 of 2021

Sethumanikam

... Petitioner/Accused

Vs.

The State rep.by
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
Crime No.172 of 2021

... Respondent/Complainant

For Petitioner : Mr.D.Balamuruga Pandi,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.172 of 2021, on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 27.09.2021 for the offence punishable under Sections 8(c) r/w 20(b)(ii) (A) of NDPS Act, 25(1B)(a) Arms Act, in Crime No.172 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that on 27.09.2021, on receiving information, the respondent Police went to the petitioner's home and found that he was in illegal possession of 220 gms of cannabis on his vehicle bearing Registration No.TN 65 AH 6809 and on searching his home, they found country gun and that thereafter, the petitioner was arrested and the properties were seized. Hence, the complaint.

3. The case of the petitioner is that he is innocent, that he has not committed any offence as alleged by the prosecution, that the contraband was not recovered from the petitioner's home and that the petitioner has been falsely implicated in the above case.



4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials place on record.

5.No doubt, the petitioner's earlier bail application for bail in Crl.OP.(MD)No.17403 of 2021 was dismissed by this Court vide order dated 10.11.2021.

6.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is having two previous cases for similar in nature and that he is a regular offender. He has produced the copies of FIR relating to the other two cases pending against the petitioner and whereunder, the petitioner was charged with the illegal possession of 200 gms of cannabis each in two cases.

7.As already pointed out, in the present case, the petitioner was found to be in possession of 220 gms of cannabis.

8.Considering facts and circumstances of the case and taking note of the quantum of contraband seized from him in the present case as well as in the earlier cases and also the fact that the petitioner is in judicial custody from 27.09.2021, and that the investigation has already been completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Ramanathapuram and on further conditions that;

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 untill 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 *Pradeep Kumar 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/-
23/12/2021

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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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 3 THE INSPECTOR OF POLICE
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19377 of 2021
Date :23/12/2021

SS/JM/SAR-IV/05.01.2022 : 3P/5C