



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

Date : 20/01/2022

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.866 of 2022

1. MURUGAN
2. MUTHURAJ

... PETITIONERS/ACCUSED NO.1&2

VS

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.606 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.Arumugam,M.
Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.606 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 13.12.2021 for the offence punishable under Sections 8(c), 20(b)(ii)(a) of NDPS Act, 1985 and Section 77 of Juvenile Justice Act, 2015 in Crime No.606 of 2021 on the file of the respondent police, seek bail.

2.The first bail application in Crl.OP(MD)No.21140 of 2021 was dismissed on 29.12.2021, on the ground that investigation is pending and also the petitioners are having two previous cases.

3.The learned counsel for the petitioners would submit that the petitioners are having two previous cases in different nature and they are in judicial custody from 13.12.2021. Hence, he prays for grant of bail to the petitioners.



4. Heard the learned Government Advocate (Crl.side) appearing for the respondent Police.

5. Considering the facts and circumstances of the case and also taking into consideration the period of incarceration and two previous cases pending against them in different nature, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with the evidence or witness 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/01/2022

/ TRUE COPY /

20/01/2022
Sub-Assistant Registrar (C.S-IV)
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



TO

1. THE JUDICIAL MAGISTRATE,
TENKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISION, PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.866 of 2022
Date :20/01/2022

USK/JM/SAR-IV/20.01.2022/3P/6C