



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

Date : 04.03.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4245 of 2022

R.Subin

... Petitioner/3rd Accused

Vs

The State Rep. By,
The Inspector of Police,
Karungaal Police Station,
Kanyakumari District.
(Crime No.404 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.Ragatheeshkumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.404 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act, 1985, and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.404 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 250 grams of Ganja and selling the same to two children. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the 250 grams of Ganja was recovered from the first accused and that only on the confession statement given by the first accused, the petitioner was implicated in this case.



4.The learned Additional Public Prosecutor would submit that the contraband of 250 grams was recovered from the first accused and that the petitioner is not having any previous cases for similar offence.

5.Considering the above facts and circumstances and also the facts that the petitioner was implicated in this case only based on the confession statement given by the first accused and that the petitioner is not having any previous cases for similar offence, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eranial, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/03/2022

/ TRUE COPY /

/ /2022
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,
ERANIAL, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KARUNGAAL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.RAGATHEESH KUMAR, Advocate (SR-1736[I] dated 04/03/2022)

ORDER
IN
CRL OP(MD) No.4245 of 2022
Date :04/03/2022

USK/SBN/SAR-IV/10.03.2022/3P/6C