



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.6944 of 2022

Musharaf @ Sunakali

... Petitioner/3rd Accused

Vs

The State represented by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
(Crime No.170 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

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

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

PRAYER :-For Bail in Crime No.170 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 26.02.2022 for the offences punishable under Sections 328 IPC r/w 18(c) of Drugs and Cosmetics Act, 1940, and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.170 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners without having any authorization were selling drugs, medicines and injection to the minors of the locality. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor would submit that property has been recovered and that the petitioner is having one previous case under NDPS Act relating to recovery of 200 grams of ganja.

5.Considering the above facts and circumstances and also the facts that property has been recovered, that the other accused were already released on bail and that the petitioner is not having any previous cases for similar offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.VI, Trichy.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.VI, Trichy.

(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., for a period of one month and thereafter as and when required for interrogation;

(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 ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/04/2022

/ TRUE COPY /

13/04/2022

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 NO.VI,
TRICHY.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
ARIYAMANGALAM POLICE STATION, TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

+1 CC to MR.T.LENINKUMAR, Advocate (SR-3369[I] dated 13/04/2022)

ORDER
IN
CRL OP(MD) No.6944 of 2022
Date :13/04/2022

CSM
MK/VR/SAR.I/13.04.2022/3P/8C