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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11464 of 2022

Chandru

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District
(Crime No.158 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.R.Laxman,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.158 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 8(c), 20(b)(ii) (A) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.158 of 2022 on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

3.When the defacto complainant along with the police team were in routine duty on 20.06.2022 at about 01.30 pm., the petitioner, namely Chandru, was found selling Ganja to the juveniles. On seeing the police team, the petitioner and all the juveniles ran away from that place. So, on the basis of the aforesaid occurrence, the case was registered.

4.Seeking anticipatory bail, this petition came to be filed on 10.08.2022. It was found that the allegation made in the First Information Report



is highly improbable and unreliable also. How the police is able to assess the age of the persons in the place of occurrence is also highly doubtful.

5. By the direction of this Court, the petitioner appeared before the respondent police and gave statement. From the statement, it is seen that he is undergoing first year B.A. (Commerce) degree in Sadakathullah Appa (Arts and Science) College, Tirunelveli. His brother name is Kandan. He is involved in several offences. The petitioner received Ganja from his brother. The petitioner sold one pocket of Ganja each to one Valathi and Arumugakani and one pocket was also consumed by him.

6. The learned counsel for the petitioner would submit that this statement has been obtained by force. But it has been clearly stated by the petitioner to the effect that he appeared before the respondent police along with his advocate.

7. The respondent police was present before this Court in person and has submitted that even though the petitioner is studying in the aforesaid college and used to sell the Ganja to the college going students also, by receiving the same from his brother. Along with his brother, this petitioner is involving in several offences. So, according to the respondent police, the petitioner is not keeping his good conduct.

8. No doubt that the brother of the petitioner is a notorious fellow, against whom several cases have been registered. The only consideration is that the petitioner is a college going student. If he is remanded to custody, then there is a possibility of dismissing him from the college. So, only keeping in mind the future of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this Criminal Original Petition is **allowed** and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate Court No.III, Tirunelveli, on condition that the petitioner shall execute 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 Magistrate concerned and the petitioner shall appear before the respondent police on every Sunday at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall also appear before the Principal of the aforesaid College, where he is studying and must report before him. The Principal may watch the conduct, character and movement of the petitioner. If any untoward is noticed, the same has to be intimated to the respondent police. The respondent police is at liberty to take action immediately, as per law, if any information is received from the Principal.



10. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

10/08/2022

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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.III
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.LAXMAN K.R, Advocate (SR-8414[I] dated 11/08/2022)

ORDER

IN

CRL OP(MD) No.11464 of 2022

Date :10/08/2022

MM

MK/PN/SAR.II/16.08.2022/2P/6C