



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

Dated: 03/08/2022

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.13713 of 2022

Senthilkumar : Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
(In Crime No.179 of 2022)

: Respondent/Complainant

For Petitioner : Mr.S.Vikram, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Criminal side)

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

PRAYER:-

For Bail in Crime No.179 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 was arrested, on 17/07/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b), (ii) (A) of NDPS Act, 1985 r/w section 77 of the Juvenile Justice Act, 2000, in Crime No.179 of 2022, seeks bail.

2.The case of the prosecution is that on 17/07/2022 the de-facto complainant along with the police party on a secrete information were on looking for suspect on Sivagangi to Ilayankudi Main road near Kanmaikarai. At about 7.00 am, they found seven persons standing in a suspicious manner. They were enquired and they revealed their name as Senthil Kumar and Mano Ranjith. Further enquiry reveals that they were having 200 grams of ganja. Further process of sampling was undertaken as per the procedure and both were apprehended at the place of occurrence itself. A2 was found to be a juvenile who was aged about 17 years. These petitioners were arrested and remanded to judicial custody.



3. Seeking bail, this petition came to be filed by this petitioner, who is arrayed as A1 on the ground that the contraband, which was seized is not a commercial quantity and no previous bad antecedent also reported against him.

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4. The learned Government Advocate (Criminal side) would submit that even though, it is not a case of commercial quantity, this petitioner along with the co-accused were found selling the contraband to school and college going students and only on that ground, section 77 of Juvenile Justice Act has been imposed upon him.

5. So the question, which arises for consideration is whether the fact that was disclosed to the effect that their intention is to sell the contraband to school and college going students and the juvenile can be relied upon.

6. No doubt that the antecedent of the accused is a matter for thorough investigation and must be found out whether they are in the habit of selling the contraband to the juvenile. But no selling of contraband was found by the police team in the occurrence place. So from this fact of disclosure only, no presumption can be raised that they intended to sell the same to the juveniles.

7. Since no bad antecedent is reported against the petitioner and considering the duration of the custody of the petitioner, this court is inclined to grant bail to the petitioner/A1 with certain conditions. Accordingly, the petitioner/A1 is ordered to be released on bail on his executing 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 Judicial Magistrate, Elanyankudi and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

sd/-

03/08/2022

/ TRUE COPY /

04/08/2022

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,
ILAYANGUDI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 C.C. TO M/S. S.VIKRAM, ADVOCATE, S.R.NO.8142.

ORDER

IN

CRL OP(MD) No.13713 of 2022

Date :03/08/2022

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USK/SVR/SAR-IV/03.08.2022/3P/7C