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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.15712 of 2022

Jerish @ Jerish Singh

... Petitioner/Accused-6

Vs

State rep.by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.359 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Micheal Sebastin.B, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.359 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 (c), 20(b)(ii)(A), 29(1) and 25 of NDPS Act and Section 77 of the Juvenile Justice (Child and Protection of Children) Act, 2015, in Cr.No.359 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that petitioner and other accused said to have found in possession of 800 gms of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit based on confession of co-accused only the petitioner herein is arrayed as



accused. He would further submit that the co-accused have already been released on bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is not having previous case and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case against the petitioner and that it is not a commercial quantity, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Annai Sathiya Ammaiyyar Memorial Government Children Home (, Dr.Thangaraj Colony, K.K.Nagar, Madurai - 625 020, **(Account No:-37487255860, IFSC Code:- SBIN0007922, State Bank of India, Madurai)**without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b), 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 Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]**; and;



(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
20/09/2022

/ TRUE COPY /

/09/2022

Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

1. THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, ANNAI SATHIYA AMMAIYAR
MEMORIAL GOVERNMENT CHILDREN HOME,
DR.THANGARAJ COLONY, K.K.NAGAR, MADURAI.

+1. CC to M/S.MICHEAL SEBASTIN.B Advocate SR.No.10317

ORDER
IN
CRL OP(MD) No.15712 of 2022
Date :20/09/2022