



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.17093 of 2022

WEB COPY

1. Mariappan
2. Palavesam
3. Ajai

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli,
Tirunelveli District.
(Crime No.215/2022).

... Respondent/Complainant

For Petitioners : M/s.Indrachithu T, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.215/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 08.09.2022 for the offences punishable under Section 8(c) r/w Section 20(b)(ii)(A) of NDPS Act, Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 4(1)(i) of Tamil Nadu Prohibition Act in Crime No.215 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 17 pockets of Ganja each weighing 10 grams and 180 ml of 4 brandy bottles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners were found in illegal possession of 17 pockets of Ganja each weighing 10 grams and 180 ml of 4 brandy bottles. He would further submit that A1 is



having no previous case, A2 is having 8 previous cases and A3 is having four previous cases.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners were found to be in possession of small quantity of ganja and also fact that the petitioners are in judicial custody from 08.09.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli, Tirunelveli District.

(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 petitioners are directed to deposit a sum of **Rs.2,000/- (Rupees Two thousand only) each to the credit of Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii) the petitioners shall report before the Inspector of Police, Sankarankovil Town Police Station, Sankarankovil, Tenkasi District, daily at 10.30 a.m., until further orders;

(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-

23/09/2022

/ TRUE COPY /

23/09/2022

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, 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.

WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE, TIRUNELVELI TALUK POLICE STATION, TIRUNELVELI, TIRUNELVELI DISTRICT.
- 5 THE OFFICER INCHARGE, INDIAN ASSOCIATION FOR THE BLIND, ALAGAR KOVIL ROAD, SUNDARARAJANPATTI, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.INDRACHITHU T, Advocate (SR-10423[I] dated 23/09/2022)

ORDER
IN
CRL OP(MD) No.17093 of 2022
Date :23/09/2022

SJI
RS/SBN/SAR.1 (23.09.2022) 3P-8C