



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 27/09/2022

PRESENT

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

CRL OP(MD). No.17139 of 2022

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Mohamed Abdul Rahim

... Petitioner/Sole Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Tenkasi Police Station,  
Tenkasi District.  
(Cr No.478/2022).

... Respondent/Complainant

For Petitioner : M/s.Balamurugan.P,  
Advocate

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

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

PRAYER :-

To enlarge the Petitioner on bail in Crime No.478/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 06.09.2022 for the alleged offence under Section 8(c) r/w 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act, in Crime No.478 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.09.2022, the accused was found in illegal possession of 100 grams of ganja. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is noway connected with the offence. The petitioner is in custody from the date of arrest, ie., 06.09.2022. Hence, prays to release him on bail.

4.On the side of respondent, it is stated that the petitioner is not having any previous case. He has possessed 100 grams of ganja and hence, prayed to dismiss the petition.

5.Considering the nature of the offence, small quantity of contraband and also considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail.



6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Tenkasi.

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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 until further orders;

iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall appear before the concerned Court on all hearing dates and appear before the respondent Police, as and when required;

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 absconds, a fresh FIR can be registered under Section 229A IPC;

sd/-

27/09/2022

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27/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,  
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,  
TENKASI POLICE STATION, TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-10561[I] dated 27/09/2022)

ORDER IN

CRL OP(MD) No.17139 of 2022

Date : 27/09/2022

pnm

<https://www.mca.gov.in/III/27.09.2022/2P/7C>