



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19161 of 2021

1. Thambiran,

2. Mariappan @ Ashok,

... Petitioners/Accused Nos.2 & 3

Vs

The State Rep. by ,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District
(Crime No. 471 of 2021).

... Respondent/Complainant

For Petitioners : MR.K.Navaneetharaja.K., Advocate.

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

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

PRAYER :-

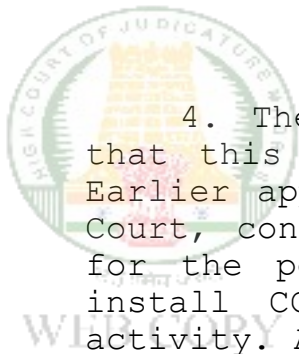
For Anticipatory Bail in Crime No. 471 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 8 (c) & 20(b) (ii) (A) of NDPS Act and Section 77 of Juvenile Justice Act, in Crime No.471 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the petitioners along with other persons were found in illegal possession of 600 grams of ganja. Hence, the complaint.



4. The learned counsel appearing for the petitioners submits that this is the second application filed for anticipatory bail. Earlier application filed by the petitioners was dismissed by this Court, considering the gravity of the offence. The learned counsel for the petitioners submits that the petitioners are willing to install CCTV cameras in the public place as a social welfare activity. Accordingly, four CCTV Cameras worth Rs.30,300/- have been installed by the petitioners, in Gemini Lala Corner, which is the jurisdiction of Tenkasi Police Station and the same has been certified by the Inspector of Police, Tenkasi Police station.

5. Considering the attitude of the petitioners, this Court is inclined to grant anticipatory bail to them.

6. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Tenkasi District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[a](i) the petitioners shall also file an affidavit before the respondent police that they will not involve in any offence in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

[b] the petitioners shall report before respondent police as and when required.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/01/2022

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/ /2022

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

VRN

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

ORDER

IN

CRL OP(MD) No.19161 of 2021

Date :04/01/2022

PKP/JM/SAR- 1/11.01.2022/3P/5C