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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17958 of 2022

Jeyaprasath

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
Crime No.176/2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

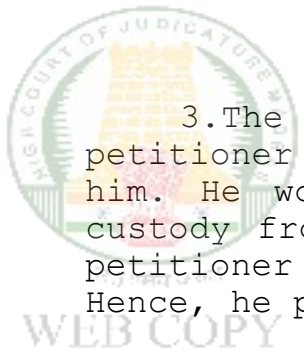
PRAYER :-

For Bail in Crime No.176/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.09.2022 for the offences punishable under Sections 8 (c) r/w.20(b)(ii)(A) of NDPS Act,1985 r/w.Section 77 of Juvenile Justice(Care and Protection of Children) Act, 2015, in Crime No.176 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 150gms of Ganja. Hence the case came to be registered.



3.The learned counsel for the petitioner would submit the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in judicial custody from 09.09.2022. However, he would further submit that the petitioner is ready to abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition stating that the petitioner was found in possession of 150gms of ganja. However, he fairly concedes that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioner is in judicial custody from 09.09.2022 and also taking note of the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate No.I, Usilampatti.

(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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040) without prejudice to his rights and contentions before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner.

(ii)the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation;

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

iv)the petitioner shall not abscond during trial.

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].

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07/10/2022

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

AAV

TO

- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE OFFICER IN CHARGE, SUB JAIL, USILAMPATTI.
- 4.THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-11026[I] dated
07/10/2022)

ORDER
IN
CRL OP(MD) No.17958 of 2022
Date :07/10/2022

RK/SBN/SAR- 1(07/10/2022) 3P/8C