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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

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

CRL OP(MD). No.17859 of 2022

Mani @ Bala Subramanikandan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Tenkasi,
Tenkasi District.
(Crime No.443/2022)

... Respondent/Complainant

For Petitioner : M/s.Syed Ali N,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.443/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/1st accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c), 20(b)(ii)(A) of Narcotics Drugs & Psycotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.443 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 100 grams of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor (Crl.side) , _____, stating for the respondent police would submit that no previous case is pending against the petitioner.

5.Considering the above and also the nature of the charges levelled against the petitioner and also considering the antecedents of the petitioner, this Court is inclined to anticipatory grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police **once in a week i.e., on every Sunday at 10.30 a.m.**, for a period of Eight weeks, and thereafter, as and when required for interrogation.

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

(d)the petitioner 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 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;

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

sd/-

06/10/2022

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/10/2022

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 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, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.SYED ALI, Advocate (SR-11025[I] dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.17859 of 2022
Date :06/10/2022

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MK/SVR/SAR.II/10.10.2022/3P/6C