



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.18004 of 2022

Thinesh @ Dhinesh

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Vadaseri Police Station,
Kanniyakumari District.
(Crime No. 256 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sivabalan K,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.256 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c), 20(b)(ii)(A) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.256 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that based on the confession of A1 and A2, the respondent police procured Ganja from the petitioner and sold the same to all the persons weighing about 400 grams of Ganja am. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely roped as an accused in this case. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition stating that the petitioner is having three previous cases.



5.Considering the above facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory 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 Court No.II, Nagercoil, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of s.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 deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Idhayangal Charitable Trust (A/c No.6517087788, IFSC Code: IDIB000K169, Indian Bank, KMCH Goldwins Branch, Avinashi Road, Coimbatore-641014, Phone No.918526421150)** within a period of two weeks without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

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

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

sd/-

07/10/2022

/ TRUE COPY /

/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE
IDHAYANGAL CHARITABLE TRUST,
AVINASHI ROAD, COIMBATORE-641014.
PH.NO.8526421150

+1. CC to M/S.SIVABALAN K Advocate SR.No.11103

ORDER

IN

CRL OP(MD) No.18004 of 2022
Date :07/10/2022

SJI/KSA

SA/VR/SAR.1/11.10.2022/3P/7C