



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/10/2022

PRESENT

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

CRL OP(MD). No.18806 of 2022

WEB COPY

Ponnusamy

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.546 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sasikumar V,
Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.546 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offence punishable under Sections 8(c)
r/w. 20(b)(ii)(A) of the NDPS Act and Section 77 of the Juvenile
Justice (Care and Protection of Children) Act, 2015 in Crime.No.546
of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on secrete information,
the respondent police conducted an inspection and at that time, the
petitioner herein found in possession of 100 gms of Kanja. Hence,
the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution. He would further submit that based on
the confession of A1 only the petitioner herein is arrayed as
accused and his name has been falsely implicated in this case and
he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that
the petitioner is innocent and he has not committed any offence as
alleged by the prosecution. He would further submit that based on
the confession of A1 only the petitioner herein is arrayed as
accused and his name has been falsely implicated in this case and
he seeks anticipatory bail.



in this crime is small quantity. He further contended the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the quantity involved in this Crime is small quantity, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police daily at 10.30 am until further orders.

(c) the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/10/2022

/ TRUE COPY /

/11/2022

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 INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-11945[I] dated 27/10/2022)

ORDER

IN

CRL OP(MD) No.18806 of 2022

Date :26/10/2022

trp

USK/SBN/SAR-III/03.11.2022/3P/5C