



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

PRESENT

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

CRL OP(MD). No.19899 of 2022

P.Murugan @ Murugakutty

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Thalaisyuthu Police Station,
Tirunelveli District.
Crime No.100 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Laxman K.R., Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

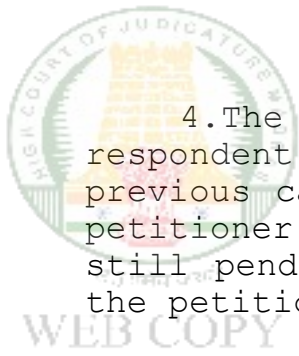
For Anticipatory Bail in Crime No.100 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/2nd accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.100 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that petitioner and other accused found in possession of 20 gms Kanja and same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and his name has been falsely implicated in this case. He would further submit that co-accused was already granted anticipatory bail by this Court and the petitioner shall abide any condition imposed by this Court. Hence, no prayer for anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the petitioner is having three previous cases under IPC offences and the offences committed by the petitioner is grave in nature and the investigation of the case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the quantity of ganja involved in this case is small quantity and the co-accused was already granted anticipatory bail, 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 No.III, Tirunelveli, 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 report 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/-

10/11/2022

/ TRUE COPY /

/11/2022

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



To

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-12893[I] dated 11/11/2022)

ORDER

IN

CRL OP(MD) No.19899 of 2022

Date :10/11/2022

CP

RS/SSS/SAR.2(22.11.2022) 3P-6C