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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/11/2022
PRESENT

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

CRL OP(MD) . No.19978 of 2022

Marimuthu

... Petitioner/Accused No.1

Vs

The State rep.by
The Sub Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
(Crime No.263 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan S,
Advocate.

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

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

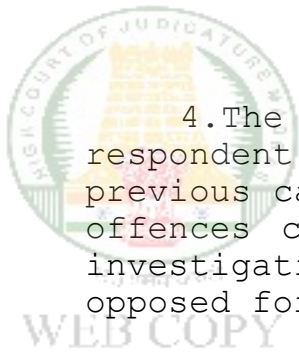
PRAYER :- For Bail in Cr No.263/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 25.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.263 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal possession of 10 gram of ganja with an intention to sell the same to the school and college students. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 25.10.2022 and hence, he may be granted bail.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the petitioner is not having any previous case of similar in nature. He would further submit that the offences committed by the petitioner are grave in nature and the investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that the quantity of ganja involved in this case is small quantity and the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner on certain 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi.

(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 shall report before the respondent police daily at 10.30 a.m., until further orders;

(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].

sd/-
11/11/2022

/ TRUE COPY /

11/11/2022
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 SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE SUB INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.VISHNUVARDHAN S Advocate SR.No.12839

ORDER

IN

CRL OP(MD) No.19978 of 2022

Date :11/11/2022

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