



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20196 of 2022

WEB COPY

Amalraj,

... Petitioner/Accused

Vs

The State Rep by,
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
Crime No. 234/2022.

... Respondent/Complainant

For Petitioner : M/s.Veerapandi P,
Advocate.

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

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

PRAYER :-

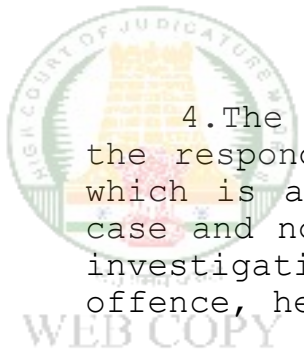
For Bail in Crime No.234 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 27.10.2022 for the offences punishable under Sections 294 (b), 353, 307 and 506(ii) IPC and Sections 8(c) and 20(b)(ii)(A) of NDPS Act, in crime No.234 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the respondent police was in bandhobust duty on 26.10.2022, the accused persons were unlawfully assembled together and hence, the police called them for enquiry, but they refused and abused the police party by using filthy language, attacked them with iron rod and threatened them with dire consequences and also prevented the police officials from discharging their official duty. Further, the respondent police seized 10 grams of Ganja from A1. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 26.10.2022. He would further submit that A2 to A4 were already released on bail by the Sessions Judge and hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit that the respondent police seized 10grams of Ganja from the petitioner, which is a small quantity and no one has sustained injury in this case and no previous case is pending against the petitioner and the investigation is still pending. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the quantity of Ganja involved in this case is a small quantity and no one has sustained injury in this case and A2 to A4 were already released on bail 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 Court No.III, Tirunelveli, Tirunelveli District.

(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/-

15/11/2022

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15/11/2022

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

SJI

<https://www.mhc.tn.gov.in/judis>



TO

1. The Judicial Magistrate Court No.III,
Tirunelveli, Tirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli District.
4. The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.VEERAPANDI P Advocate SR.No.13085 dated 15/11/2022

CRL OP(MD) No.20196 of 2022

Date :15/11/2022

KB/VR(15.11.2022) 3P 7C