



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21470 of 2022

Kumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.602/2022)..

... Respondent/Complainant

For Petitioner : M/s.Mohideen Basha.N,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.602/2022 on the file of the Respondent Police.

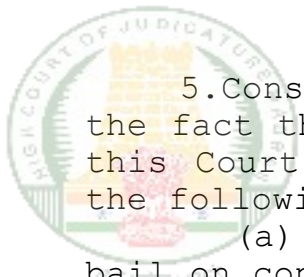
ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 17.11.2022 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(A), 22(C) of the NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No. 602 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.06.2022, at about 09.00 p.m., the petitioner was illegally found in possession of 500 grams of Ganja, thereby, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 17.11.2022. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail on the ground that the petitioner was illegally found in possession of 500 grams of Ganja and the investigation is in preliminary stage.



5. Considering the period of incarceration and also considering the fact that the quantity involved in this case is small quantity, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate, Tenkasi, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m., & 05.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

sd/-
05/12/2022

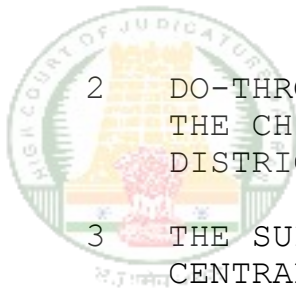
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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
TENKASI.

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



2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI..

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

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

+1. CC to M/S.MOHIDEEN BASHA.N Advocate SR.No.60097

ORDER
IN
CRL OP(MD) No.21470 of 2022
Date :05/12/2022

MGJ/SSS/SAR4(05.12.2022) 3P 7C