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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/12/2022

PRESENT

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

CRL OP(MD) . No.21628 of 2022

C.Lenin Raj

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Sindhupatti Police Station,
Madurai,
Madurai District.
(Crime No.219/2022).

... Respondent/Complainant

For Petitioner : M/s.Rajaselvan R, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.219/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c), 20b(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.219 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the respondent police conducted the check up on 02.12.2022 and at that time, the petitioner along with other accused



was illegally found in possession of 100 grams of Ganja and the same was seized. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that petitioner is not having any previous case and he is only aged about 21 years and seeks anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused have illegally found in possession of 100 grams of ganja and the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is only aged about 21 years and the quantity is a 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirumangalam, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties (one should be father or mother of the petitioner) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 court concerned on all working days at 10.30 am for a period of two weeks and thereafter, the date on which fixed by the trial Judge without fail;

[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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Sd/-
07/12/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION,
MADURAI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAJASELVAN R Advocate SR.No.14550

ORDER
IN
CRL OP(MD) No.21628 of 2022
Date :07/12/2022

SP/VR/SAR II/22/12/2022/3P/6C