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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT

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

CRL OP(MD). No.21788 of 2022

Asith Batcha

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Thillai Nagar Police Station,
Trichy City.
Crime No.683 of 2022.

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj
Advocate.

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

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

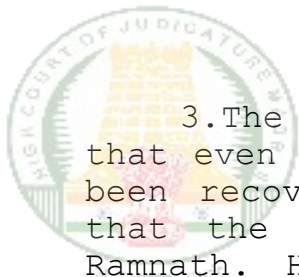
PRAYER :-

For Bail in Crime No.683/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 30.09.2022 for the offence punishable under Sections 270 and 328 IPC and Sections 8(c), 20(b)(ii)(B), 21(a) and 27(a) of Narcotic Drugs and Psychotropic Substances Act in Crime No.683 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with four other accused were found in illegal possession of 400 grams of Ganja and 900 tablets of Nitovite Nitrosun Tydol and nine grams of Nephentermine Sulphare Injection-10ml bottle 1. Hence, the case came to be registered.



3.The learned counsel appearing for the petitioner would submit that even as per the prosecution, the contraband is stated to have been recovered from A1, namely, Ramnath. He would further submit that the petitioner has no nexus or connection with the said Ramnath. He would further submit that similarly placed accused, namely, A4 has already been granted bail by this Court in Crl.O.P. (MD)No.21260 of 2022, dated 01.12.2022. He would further submit that the contraband recovered in this case is 400 grams of Ganja and 900 tablets of Nitovite Nitrosun Tydol and nine grams of Nephenetermine Sulphare Injection-10ml, which is not a commercial quantity. He would further submit that the petitioner is aged about 21 years and he is in jail from 30.09.2022 and that he is ready to furnish sufficient sureties and abide by any stringent conditions that may be imposed by this Court. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with four other accused were found in illegal possession of 400 grams of Ganja and 900 tablets of Nitovite Nitrosun Tydol and nine grams of Nephenetermine Sulphare Injection-10ml bottle 1. He would further submit that the report is awaited and hence, he opposed for grant of bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and the age of the petitioner and also the fact that the co-accused has already been granted bail, 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties (in which one shall be the grandmother of the petitioner) each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichy, 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 daily at 10.30 a.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.

sd/-

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION, TRICHY CITY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.ARUNRAJ.K, Advocate (SR-15333[I] dated 22/12/2022)

ORDER

IN

CRL OP(MD) No.21788 of 2022

Date :22/12/2022

SJI

USK/VR/SAR-I/22.12.2022/3P/7C