



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

Date : 14/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.22065 of 2022

Eswaran

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Sub Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.400/2022).

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan.S,
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.400/2022 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 20.11.2022, for the offences punishable under Sections 8 (c) r/w.20(b)(ii)(A) of NDPS Act and section 77 of Juvenile Justice (Care and protection of Children Act)2015 in Crime No.400 of 2022, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 40 grams of ganja. Hence, the complaint.

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 20.11.2022 and he is not having any previous case. However, to show his *bona fide*, the petitioner is ready to donate/deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to any Welfare Scheme running at Madurai Bench of Madras High Court. Hence, prays for bail.



4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail, on the ground that he was illegally found in possession of 40 gms of ganja. He would also submit that one previous case of similar nature is pending against the petitioner.

5. In reply, the learned counsel for the petitioner submitted that previous case is also for possession of 40 gms of ganja only which was for his personal consumption and it was also not for sale. The petitioner is not a peddler.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and considering the facts that the petitioner is ready to deposit amount in any Welfare Scheme and also taking into consideration the period of incarceration and the quantity recovered in a meagre one, this Court is inclined to grant bail to the petitioner on certain conditions.

8. Accordingly, the petitioner shall made a donation/non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of the Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

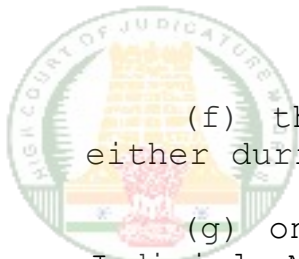
(a) On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi and on further conditions 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 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 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/-

14/12/2022

/ TRUE COPY /

15/12/2022

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,
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI.

ORDER

IN

CRL OP(MD) No.22065 of 2022

Date :14/12/2022

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USK/VR/SAR- /14.12.2022/3P/7C

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