



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/12/2022
PRESENT

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

CRL OP(MD) . No.22294 of 2022

1.Abdul Karim

2.Sadam Hussain

... Petitioners/A1,A5

Vs

The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
(Crime No.412/2022).

... Respondent/Complainant

For Petitioner : M/s.Ananthkumar.M,
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.412/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A5, who were arrested and remanded to judicial custody on 29.11.2022 for the offence punishable under Sections 20(b)(ii)(B) and 25 of NDPS Act and Section 77 of JJ Act, in Crime No.412 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 29.11.2022, when the respondent police was on patrol duty, they found that the accused persons to be in illegal possession of 55 grams of Ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and the petitioners are in judicial custody from 29.11.2022. However, to show their *bona fide*, the petitioners are ready to donate/deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the Government



for any welfare purpose and hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused were in possession of 55 grams of Ganja illegally. Hence, he opposed for grant of bail.

5. Taking into consideration facts and circumstances of the case and considering the facts that the petitioners are ready to deposit amount in any Welfare Scheme and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties (in which one should be either the father or mother) each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli and on further conditions that:

(b) petitioners are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) each as non refundable deposit to the credit of **"The Principal, Government Siddha Medical College, Palayamkottai"**, without prejudice to their rights and contentions and produce the acknowledgement/receipt before the trial Court at the time of furnishing sureties.

(c) 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;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m., until further orders;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];



(i) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-
16/12/2022

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/ TRUE COPY /

16/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE PRINCIPAL
GOVERNMENT SIDDHA MEDICAL COLLEGE,
PALAYAMKOTTAI.

+1. CC to M/S.ANANTHKUMAR.M Advocate SR.No.14982

**ORDER
IN**

CRL OP(MD) No.22294 of 2022
Date :16/12/2022

SJI
SA/VR/SAR.2/16.12.2022/3P/8C