



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/12/2022
PRESENT

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

CRL OP(MD) . No.22430 of 2022

Abdul Rahuman

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Vasudevanallur Town Police Station,
Tenkasi District.
Crime No.332 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sivasubramanian A, 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.332 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 30.11.2022, for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No. 332 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 30.11.2022, the accused persons were found in illegal possession of 200 grams of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is not having any previous case and the alleged quantity is also a minimum one. The petitioner is in judicial custody from 30.11.2022. However, to show his *bona fide*, the petitioner is ready to donate/deposit a sum of Rs.5,000/- (Rupees Five Thousand only) in any Welfare Scheme running at Madurai Bench of Madras High Court. Hence, prays for bail.



4. The learned Additional Public Prosecutor would submit that though the petitioner is not having any previous case at his credit, the accused persons were found in possession of 200 grams of ganja. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not having any bad antecedents and also his readiness to deposit amount in any Welfare Scheme, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of the Women Advocates Association, Madurai Bench of Madras High Court, for the purpose of maintaining Creche**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

8. 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, Sivagiri and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., and 05:30 p.m., until further orders;

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

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

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

(f) 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];



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

sd/-
19/12/2022

WEB COPY

/ TRUE COPY /

20/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
VASUDEVANALLUR TOWN POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s..SIVASUBRAMANIAN A, Advocate (SR-15083[I] dated
19/12/2022)

ORDER
IN
CRL OP(MD) No.22430 of 2022
Date :19/12/2022

pnm
USK/VR/SAR.I/20.12.2022/3P/8C