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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.22822 of 2022

Jabar Sherif @ Jaffer Shereef, ... Petitioner/Accused No.3

Vs

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The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City

(Crime No. 408 of 2022). ... Respondent/Complainant

For Petitioner : M/s. Seenisulthan.M, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 408 of 2022 on the file of the respondent Police.

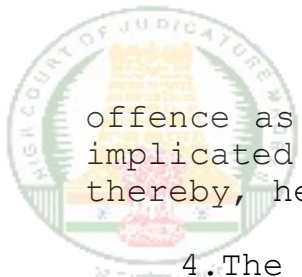
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 20(b) (ii) (A), 25 of NDPS act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, in Crime No.408 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that during the time of routine check up, the petitioner and other accused were illegally found in possession of 36 gms of ganja and on seeing the police the petitioner herein is ran away from the place of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any

<https://www.judiciary.gov.in/judst>



offence as alleged by the prosecution and his name has been implicated in this case based on the confession of co-accused and thereby, he seeks anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that the petitioner and other accused were illegally found in possession of 36 gms of ganja and there is no previous against the petitioner. He further contended that the investigation of the case is pending and hence, he opposes to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.10,000/- to the credit of any one of the welfare scheme without prejudice to his contention and seeks bail.

6. Taking into consideration the facts and circumstances of the case and that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 No.V, Thirunelveli on condition that the petitioner shall 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 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] (b) petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the Dean / Medical Officer, Thirunelveli Medical College Hospital, Thirunelveli, without prejudice to his rights and contentions before the trial Court. It is made clear that the deposit amount paid by the petitioner would not amount to admission of guilty.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[d] the petitioner shall not tamper with evidence or witness
<https://www.mca.gov.in> during investigation or trial.



[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused/hereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/12/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

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

COPY TO
THE DEAN/MEDICAL OFFICER,
TIRUNELVELI MEDICAL COLLEGE HOSPITAL,
TIRUNELVELI.

+1 CC to M/s.SEENISULTHAN.M, Advocate (SR-11[I] dated 02/01/2023)

ORDER
IN
CRL OP(MD) No.22822 of 2022
Date :22/12/2022