



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT



WEB COPY

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

CRL OP(MD). No.22951 of 2022

Vijay

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
Crime No.258 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Selvakrishnan S,
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.258 of 2022 on the file of the Respondent Police.

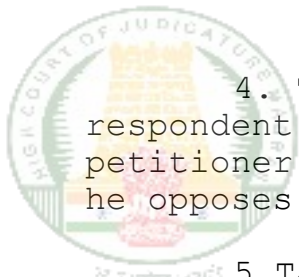
ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 25.11.2022 for the offence punishable under Sections 8 (c), 20(b)(ii)(A) of Narcotics Drugs and Psychotropic Substances Act and under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, in Crime No. 258 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were illegally found in possession of 260 Grams of Kanja with an intention to sell the same to the school and college students and public and properties were recovered. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is a college going student and he is in judicial custody from 25.11.2022 and seeks bail.

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



4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is no previous case against the petitioner and the investigation of the case is pending and hence, he opposes to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 25.11.2022, 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli 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 appear before the respondent police daily at 10.30 am 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/-
23/12/2022

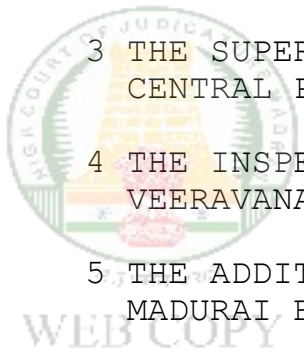
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23/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.22951 of 2022

Date :23/12/2022

trp

MK/SSS/SAR /23.12.2022/3P/6C