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CRL OP(MD)



23

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

Date : 10/01/2023

PRESENT

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

CRL OP(MD) . No.601 of 2023

Pradosh Kumar

... Petitioner/ 3rd Accused

Vs

The state rep.by
The Inspector of Police,
Central Police Station, Thoothukudi,
Thoothukudi District
(Crime No.326 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rajiv Rufus.V, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.326 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 of NDPS Act 1985, in Crime No.326 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons were found in illegal possession of 1.150grams of ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He has been falsely implicated in this case, based on the confession of co-accused. The petitioner is a student pursuing 4th year B.Tech in Bharath Institute of Science & Technology, Chennai. Hence, prays to release him on anticipatory bail.



4.The learned Additional Public Prosecutor submitted that the accused persons were found in illegal possession of ganja. The petitioner is not having any previous case to his credit. In this case, investigation is still pending and hence, prays to dismiss the petition.

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 pursuing 4th year B.Tech Degree, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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.II, Thoothukudi**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one surety shall be either mother or father of the petitioner) 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] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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]**;



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
THOOTHUKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
CENTRAL POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT

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

+1 CC to M/s.RAJIV RUFUS V, Advocate (SR-535[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.601 of 2023

Date :10/01/2023

PNM

MK/VR/SAR I(20.01.2023) 3P 6C