



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

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.640 of 2023

Shanmugaraja

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
ICrime No.264 of 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.264 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 16.12.2022 for the offence punishable under Sections 8(c) and 20(b)(ii)(A) of NDPS Act and Section 77 of JJ Act in crime No.264 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 20 grams of Ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is aged about 23 years and he is a load man and the possession recovered from him is a minimum quantity, which was possessed by him for his personal consumption and he has no previous case pending against him. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 20 grams of Ganja and he has possessed for his personal consumption.



5. Heard. Perused the materials available on record and the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking note of the period of incarceration, 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 (in which one should be either the father or mother) each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tirunelveli, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2023

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11/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

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

+1 CC to M/s.ANANTHKUMAR.M, Advocate (SR-555[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.640 of 2023

Date :11/01/2023

RS/SSS/SAR.(11.01.2023) 3P-7C