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CRL OP(MD)



23

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.814 of 2023**

Suresh

... Petitioner/Accused No.2

Vs

The state rep.by  
The Inspector of Police,  
Tirunelveli Town Police Station,  
Tirunelveli District.  
Crime No.269 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karunanidhi R, 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.269 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 22.12.2022, for the offence punishable under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act, in Crime No. 269 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.12.2022, the accused was found in illegal possession of 100 grams of ganja with intent to sell the same to the children and public. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 22.12.2022 and he is not having any previous case. However, to show his *bona fide*, the petitioner is ready to deposit a

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



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 vehemently opposed to enlarge the petitioner on bail, on the ground that he was illegally found in possession of ganja and the investigation is in preliminary stage.

5.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not having any bad antecedent and also very minimum quantity involved in this case and also the readiness of the petitioner to deposit amount in any Welfare Scheme, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner shall make a non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of the Madras High Court, Madurai Bench Advocates Clerk's Welfare Association (MHMBACWA), A/c No.496039124, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7.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 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 learned 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** [SCW 5560]; [R

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,  
TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI DISTRICT
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI,  
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE  
TIRUNELVELI TOWN POLICE STATION,  
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE SECTION OFFICER  
MADURAI BENCH ADVOCATES CLERK'S WELFARE ASSOCIATION (MHMBACWA),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARUNANIDHI R, Advocate ( SR-620[I] dated 11/01/2023 )

ORDER  
IN  
CRL OP(MD) No.814 of 2023  
Date :11/01/2023

PNM  
MK/SSS/SAR (11.01.2023) 3P 8C