



WEB COPY

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.870 of 2023

1. Esakkipandi

2. Pramamuthu

... Petitioners/Accused 1 & 2

Vs

The state rep.by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District
(Crime No.426 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Mohamed Hashim.A,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

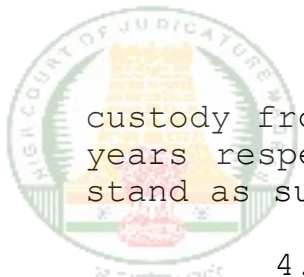
PRAYER :-For Bail in Crime No.426 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 15.12.2022, for the offences punishable under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act, in Crime No.426 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 15.12.2022, the accused persons were found in illegal possession of 40 grams of ganja, to sell the same to the children and public. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and have not committed any offence, as alleged by the prosecution and falsely implicated in this case. He further submitted that the petitioners are in judicial



custody from 15.12.2022. The petitioners are aged about 120 years respectively and the parents of the petitioners are ready to stand as surety for them. Hence, prays for bail.

4.The learned Additional Public Prosecutor would submit that though the petitioners are not having any previous case, the accused persons were found in possession of 40 grams of ganja. Hence, prays to dismiss the petition.

5.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the quantity involved in the case is very minimum one and also the fact that the petitioners are not having any previous case to their credit, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each (one surety shall be either father or mother of the petitioners) for a like sum to the satisfaction of the learned **Judicial Magistrate, Tenkasi** 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

11/01/2023

/ TRUE COPY /

11/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT

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

ORDER
IN
CRL OP(MD) No.870 of 2023
Date :11/01/2023

PNM

MK/SSS/SAR (11.01.2023) 3P 6C