



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2023

PRESENT

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

CRL OP(MD) . No.1793 of 2023

Kaveri Udayar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.442/2022).

... Respondent/Complainant

For Petitioner : M/s.Jegadeesha Pandian V M,
Advocate.

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

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

PRAYER :-

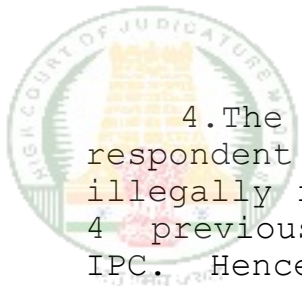
For Bail in Crime No.442/2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 15.05.2022 for the offence punishable under Sections 294 (b), 353, 307 of IPC r/w.8(c), 20(b)(ii)(A) of NDPS Act in Crime No.442 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.12.2022 the petitioner and other accused were illegally found in possession of 300grams of ganja and while arresting the accused persons, A1 threatened the defacto complainant by showing small sword and abused him in filthy language. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 15.05.2022, hence he seeks bail.



4.The learned Additional Public Prosecutor appearing as respondent would submit that the petitioner and other accused were illegally found in possession of 300grams of ganja and he is having 4 previous cases and out of which one case is under Section 302 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.

5.In reply, the learned counsel for the petitioner submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and the petitioner does not have any previous case under NDPS Act and without prejudice to his defence he is also ready to make a donation of Rs.10,000/- for any welfare scheme of the Government. Hence he seeks bail.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also voluntarily offer made by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.V, Tirunelveli and on further conditions that :-

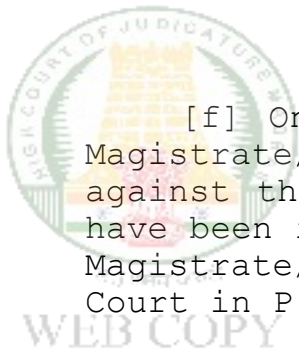
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to "The Dean/Medical Officer, Tirunelveli Medical College & Hospital, Tirunelveli", and produce the receipt/acknowledgement before the trial Court at the time of executing bond. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the 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].

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

sd/-

31/01/2023

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31/01/2023

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

AAV

TO

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

COPY TO

THE DEAN / MEDICAL OFFICER,
TIRUNELVELI MEDICAL COLLEGE AND HOSPITAL,
TIRUNELVELI DISTRICT.

+1 CC to M/s.V.M.JEGADEESAPANDIAN, Advocate (SR-1468[I] dated 31/01/2023)

ORDER

IN

CRL OP(MD) No.1793 of 2023

Date :31/01/2023

RS/SSS/SAR.(31.01.2023) 3P-8C