



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2127 of 2023

1.A.Pradeep

2.John @ John Christoper

...Petitioners/4th and 5th Accused

-vs-

The State represented by
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Cr.No.253 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.253 of 2022 on the file of the respondent Police.

For Petitioners : Mr.S.C.Herold Singh

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of NDPS Act and Section 77 of the Juvenile Justice (Care and Protection of Children), Act, 2015 in Crime No.253 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons have found to be in illegal possession of 120 grams of ganja and three accused were arrested on the spot and the petitioners have absconded from the scene of occurrence. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the petitioners' were falsely implicated in this case based on the confession of the arrested accused. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them. He would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the accused persons have found to be in illegal possession of 120 grams of ganja and three accused were arrested on the spot and the



petitioners have been absconded from the scene of occurrence. He would also submit that the petitioners have no previous case pending against them.

5. Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Kuzhithurai, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum one shall be either the father or mother of the petitioner, 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

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

sd/-

02/02/2023

/ TRUE COPY /

/02/2023

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



TO

1. JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.HEROLD SINGH.S.C. Advocate SR.No.6005

ORDER

IN

CRL OP (MD) No.2127 of 2023

Date :02/02/2023

NA/VR/SAR-2/09.02.2023/3P/6C