



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.2131 of 2023

Ganesan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No. 23/2023.

... Respondent/Complainant

For Petitioner : M/s.VISHNUVARDHAN.S,
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. 23 of 2023 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 19.01.2023 for the offence punishable under Sections 8 (c) r/w.20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act,2015 in Crime No.23 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 690gms of kanja and from this petitioner 120gms of kanja was recovered. Hence, the complaint.

3. The learned counsel 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 a auto driver and due to animosity a false case has been registered. He would further submit that the petitioner is in judicial custody from 19.01.2023, hence he seeks bail.



4. The learned Additional Public Prosecutor appeared for the respondent would submit petitioner along with other accused were found in illegal possession of 690gms of kanja, hence, he opposed for grant of bail to the petitioner. He would further submit that seven previous cases are pending against the petitioner.

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5. At this juncture, the learned counsel for the petitioner would submit that those cases were registered during the year 2014 and the petitioner without prejudice to his rights and contentions is ready and willing to deposit a sum of Rs.20,000/- to the account of the Head Master, ICI Government Higher Secondary School, Tenkasi for the welfare of the students.

6. Heard. Perused the materials available on record.

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

(a) the petitioner shall make a non refundable deposit Rs.20,000/- (Rupees twenty thousand Only) to the account of the ICI Government Higher Secondary School, Tenkasi (Account No.10955561568, IFSC No.SBIN0018669- State Bank of India, Tenkasi Town Branch). The amount shall be used for maintaining the school. The Head Master shall furnish works done to the respondent police within a period of two weeks from today;

[b]the proof for payment shall be produced before the concerned court at the time of furnishing sureties. On production of such receipt/ acknowledgement, 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, 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 petitioner shall appear before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/02/2023

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02/02/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.

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

COPY TO:

THE HEADMASTER,
ICI GOVERNMENT HIGHER SECONDARY SCHOOL, TENKASI.

ORDER IN

CRL OP(MD) No.2131 of 2023

Date :02/02/2023

RK/SAR- (03/02/2023) 3P/7C

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