



WEB COPY

CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/02/2023
PRESENT

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

CRL OP(MD).No.2350 of 2023

Ansari

... Petitioner/Accused No.3

Vs.

State rep.by
The Inspector of Police,
Thillai Nagar Police Station,
Trichy City
(Crime No.683 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, 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.683 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 09.10.2022 and remanded to judicial custody for the alleged offences punishable under Sections 270 and 328 of IPC, Sections 8(c), 20(b)(ii)(A) and 21(c), 27(a) of NDPS Act and 51(B) of Disaster Management Act, 2005 in Crime No.683 of 2022, seeks bail.

2.The case of the prosecution is that on 30.09.2022 at 11.30 a.m on a secret information, the defacto complainant along with the police team were on raid. At that time, the petitioner and other accused were in illegal possession of some tablets, injections and ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that even as per the prosecution, the contraband is stated to have been recovered from A1 and the petitioner has no nexus or connection with the first accused. He would further submit that since because the petitioner has a few cases registered against him under IPC offences, the respondent in order to curtail his activity has implicated his name in this case. He would also submit that the petitioner is in judicial custody for more than 90 days and the charge sheet has not been filed so far. It

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



is his further submission that the co-accused in this case was released on bail by this Court in Crl.O.P.No.21620 of 2022 by order dated 22.12.2022. He prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the accused were found in possession of 400 gms of ganja and 900 tablest of Nitovite Nitrosum Tydol and nine grams of Nephenetermine Sulphare Injunction - 10ml bottle and the petitioner/A3 is having 10 previous cases for IPC offences to his credit. He opposes for grant of bail to the petitioner.

5. Heard and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and the fact that the petitioner is in judicial custody for more than 90 days and charge sheet has not been filed so far, this Court is inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.IV, Trichy, and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent Police Station everyday at 10.30 a.m and 06.30 p.m., until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner 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 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]**; and;

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

sd/-

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08/02/2023

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



CM
TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY.

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

+1. CC to M/S.ARUNRAJ K Advocate SR.No.1986

ORDER

IN

CRL OP(MD) No.2350 of 2023

Date :08/02/2023

SA/VR/SAR. /08.02.2023/3P/7C