



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.3556 of 2023

Esakkidurai,

... Petitioner/Accused

Vs

The State Rep by
The Sub Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Radhapuram Taluk,
Tirunelveli District.
Crime No. 38/2023.

... Respondent/Complainant

For Petitioner : M/s.Vignesh.N,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.38 of 2023 on the file of the respondent police.

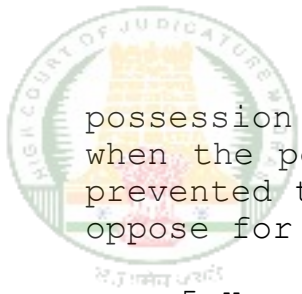
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 08.02.2023 for the offence punishable under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 353 and 506(2) of IPC and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.38 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.02.2023, the petitioner was found in possession of 30 grams of Ganja for illegal sale to the children . When the police intercepted him, the petitioner threatened them and prevented them from discharging their official duty. 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 08.02.2023 and hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the the petitioner was found in



possession of 30 grams of Ganja for illegal sale to the child. When the police intercepted him, the petitioner threatened them and prevented them from discharging their official duty. Hence, he would oppose for grant of bail.

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

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

7. 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 Court, Valliyoor 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 report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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].

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

sd/-
23/02/2023

/ TRUE COPY /

/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judicial Magistrate Court, Valliyoor.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Sub Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Radhapuram Taluk,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.VIGNESH, Advocate (SR-2761[I] dated 23/02/2023)

CRL OP(MD) No.3556 of 2023
Date :23/02/2023

PKP/SBN(23.02.2023) 3P 7C