



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)



Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

WEB COPY

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

CRL OP(MD) . No.3738 of 2023

Bibin

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Puthukadai Police Station, Kanyakumari
District. Crime No. 265/2022.

... Respondent/Complainant

For Petitioner : S.Sivakumar, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

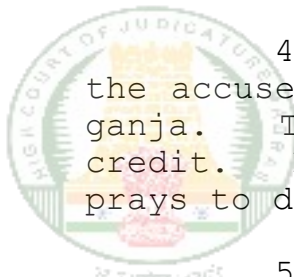
For Anticipatory Bail in Crime No. 265 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A) of NDPS Act 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act 2015, in Crime No.265 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons were found in possession of 20grams of ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He is not having any previous case to his credit. Hence, prays to release him on anticipatory bail.



4.The learned Government Advocate (Crl.Side) submitted that the accused persons were found in illegal possession of 200gms of ganja. The petitioner is not having any previous case on his credit. In this case, investigation is still pending and hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not having any bad antecedent and also very minimum quantity involved in this case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one surety shall be either mother or father of the petitioner) each for a like sum 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 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 everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with 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]**;

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

sd/-

01/03/2023

/ TRUE COPY /

/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

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 S.SIVAKUMAR Advocate SR.No.3098.

ORDER

IN

CRL OP (MD) No.3738 of 2023

Date :01/03/2023

SI/SKN/SAR-1/(08.03.2023) 3P/ 6C