



No.15



et.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2023

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PRESENT

The Hon`ble **Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD) . 4658 of 2023

Poolpandi ...Petitioner/ Accused NO.2

Vs

State rep., by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.59 of 2023). ... Respondent/Complainant

For Petitioner : Mr.K.K.Samy, Advocate

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

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

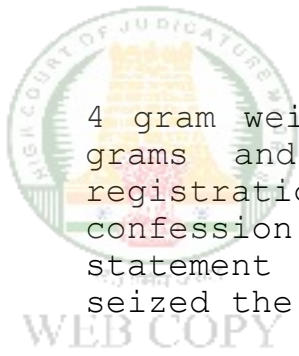
PRAYER :-

For Bail in Crime No.59 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.2, who was arrested and remanded to judicial custody on 27.02.2023 for the offences punishable under Section 8(c), 20(b)(ii)(A) of NDPS Act, 1985, and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.59 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.02.2023 based on the secret information received by the Sub-Inspector of Police, search was held nearby the Sankar Higher Secondary School, Thalaiyuthu. While the checkup, the accused in the vehicle bearing registration NO.TN 72 AS 9262 (Hero Splendor Plus) and TN 72 AS 3789 (Bajaj Pulsar) kept cannabis and sold it. After seeing the police, the accused person tried to escape. But, the police peoples recovered 3 pocket of 10 gram cannabis from accused No.1, 3 pocket of



4 gram weight cannabis from accused No.2 and small pocket 10 grams and the cash of Rs.43,390/- from the vehicle bearing registration No.TN 72 AS 9262. thereafter, the accused No.1 gave confession to the respondent police and based on the confession statement the respondent police arrested the accused persons and seized the contraband. Hence, the complaint.

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

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

5.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 blood related sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.III, Tirunelveli 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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

[c]the petitioner shall report before the respondent police daily at 10.30 a.m and 05.30 p.m., until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



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

sd/-

13/03/2023

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13/03/2023

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

rmk

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI .
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL,
PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
RAY OF LIGHT FOUNDATION;
NO.10, NAGESWARA ROAD, NUNGAMBAKKAM,
CHENNAI,
TAMIL NADU 600034,
PH NO.8939065431.

+1 CC to M/s.K.K.SAMY, Advocate (SR-4082[I] dated 13/03/2023)

ORDER

IN

CRL OP(MD) No.4658 of 2023

Date :13/03/2023

RK/SBN/SAR-(13/03/2023) 3P/8C