



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

Date : 12/04/2023

PRESENT

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

CRL OP(MD) . No.6774 of 2023

Sahul Hameed

... Petitioner / Accused No.1

Vs

The State rep by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.70/2023).

... Respondent / Complainant

For Petitioner : M/s.Rajesh P, 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.70/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 15.03.2023 for the offence punishable under Sections 8 (c), 20(b)(ii)(a) and 60 of NDPS Act and Section 77 of Juvenile Justice Act in Crime No.70 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.03.2023, the petitioner along with other accused persons were found in illegal possession of 60 grams of Ganja with an intention to sell the same to the school children. Hence, the case.

3.Taking into consideration of the facts and submissions made by the learned counsels and also the fact that the quantity of Ganja involved in this case is 60 grams, which is not a commercial quantity, this court is inclined to grant bail to the petitioner subject to the following conditions:



[a] Accordingly, 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 Principal Sessions Court, Tirunelveli, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of four weeks and thereafter, as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/04/2023

/ TRUE COPY /

12/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Principal Sessions Judge,
Tirunelveli.

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



2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

3.The Officer Incharge,
Sub-Jail, Nanguneri.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.RAJESH P, Advocate (SR-5763[I] dated 12/04/2023)

ORDER

IN

CRL OP(MD) No.6774 of 2023

Date :12/04/2023

ED/VR/SAR- (13/04/2023) 3P 6C