



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

Date : 07/06/2023

PRESENT

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

CRL OP(MD) . No.8515 of 2023

Sahaya Sajin

... Petitioner/Accused No.5

Vs

State rep. by
The Inspector of Police,
Anjugramam Police Station
Kanyuakumari District,
Crime No.43 of 2023.

... Respondent/Complainant

For Petitioner : Mr.M.Subbiah,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.43 of 2023 on the file of the
respondent police

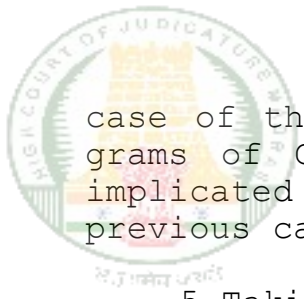
ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 8(c),
20(b)(ii)(A) and 25 of the Narcotics Drugs and Psychotropic
Substances Act, 1985 and Section 77 of the Juvenile Justice (Care
and Protection of Children) Act, 2015 in Crime No.43 of 2023, the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused were found in illegal possession of 280 grams of
Ganja. Hence, the case.

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

4.It is seen that there are five accused involved in this case,
<https://www.mhfw.gov.in/> the petitioner is arrayed as A5. Even according to the



case of the prosecution, A1 to A4 were found in possession of 30 grams of Ganja and on their confession, the petitioner has been implicated as an accused. The petitioner has not involved in any previous case for similar offence.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, 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.III, Nagercoil, on condition that the petitioner shall 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 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, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[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/-

07/06/2023

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



TO

1. The Judicial Magistrate No.III, Nagercoil.

2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District.

3. The Inspector of Police,
Anjugramam Police Station
Kanyuakumari District.

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

+1 CC to M/s.M.SUBBIAH, Advocate (SR-8217[I] dated 07/06/2023)

ORDER

IN

CRL OP(MD) No.8515 of 2023

Date : 07/06/2023

NA/BUC/SAR- /13.06.2023/3P/6C