



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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8892 of 2023

Hariharasudhan

... Petitioner/Accused No.2

Vs

The State rep. by
The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
Crime No.77 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Muthupandian A.P.,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.77 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 352 and 506(ii) of IPC and Section 8(c) & 20(b)(ii)(A) of
Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.77
of 2023 on the file of the respondent police, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner and other
accused were found in possession of 15 grams of Ganja. Hence, the
complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent person and he has not committed any offence
as alleged by the prosecution. He would further submit that co-
accused was already released on bail. Hence, he prays for grant of
anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) would submit that A1 was already released on bail.

5.Considering the facts and circumstances of the case and also considering the facts that Ganja seized from the accused comes under the commercial quantity and the co-accused was released on bail, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.III, Tirunelveli District, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am., for a period of three months and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/05/2023

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

DSS

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



TO

1. The Judicial Magistrate, No.III,
Tirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.P.MUTHU PANDIAN, Advocate (SR-7426[I] dated
17/05/2023)

ORDER
IN
CRL OP(MD) No.8892 of 2023
Date : 17/05/2023

NA/CG/SAR- /23.05.2023/3P/6C