



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

Date : 05/06/2023

PRESENT

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

CRL OP(MD) . No.9648 of 2023

Kanthasamy

... Petitioner / Sole Accused

Vs

State rep by
The Inspector of Police,
Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(In Crime No.118 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.Maran M, Advocate

For Respondent : Mr.T,Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.118 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 03.05.2023, for the offence punishable under Sections 328 IPC & Section 8(c), 20(b)(ii)(A) of NDPS Act, in Crime No. 118 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.05.2023, the accused was found in illegal possession of 25 grams of ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 03.05.2023 and he is not having any previous case. Hence, prays for bail.



4. The learned Additional Public Prosecutor would vehemently opposed to enlarge the petitioner on bail, on the ground that he was illegally found in possession of ganja and the investigation is in preliminary stage.

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5. Heard both sides. 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 bail to the petitioner on certain conditions.

6. 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 **Judicial Magistrate, Cheranmahadevli, Tirunelveli District** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 two weeks, thereafter as and when required;

(c) the petitioner shall not commit any offences of similar nature;

(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 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];

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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05/06/2023

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



To

1.The Judicial Magistrate,
Cheranmahadevi, Tirunelveli District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

4.The Superintendent,
Central Prison, Palayamkottai.

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

+1 CC to M/s.M.MARAN, Advocate (SR-8060[I] dated 05/06/2023)

ORDER

IN

CRL OP(MD) No.9648 of 2023

Date :05/06/2023

ED/SSS/SAR- (05/06/2023) 3P 7C