



WEB COPY

CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2023

PRESENT

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

CRL OP(MD). No.10077 of 2023

1. Surya @ Raja Suriya,

2. Arun, ... Petitioners/Accused Nos. 2& 3

Vs

REP

The Inspecotr of Police,
Eraniel Police Station,
Kanniyakumari District.

Crime No.236 of 2023. ... Respondent/Complainant

For Petitioner : Mr.M.S.Vamanan K,
Advocate.

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

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

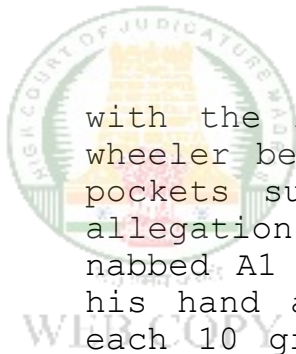
PRAYER :-

For Anticipatory Bail in Crime No.236 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 20
(b)(ii)(A), 25, 29(1) and 8(c) of NDPS Act, 1985 and Section 77 of
The Juvenile Justice (Care and Protection of Children) Act, 2015, in
Crime No.236 of 2023 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution is that on 22.05.2023, based on
information, when the respondent police went to the spot
<https://www.cmc.gov.in/>



with the informer, A1 came there in a Yellow Color "Ves"vo wheeler bearing Registration No.TN-75-Z-0235 and distributing small pockets substance to some juveniles assembled there. The further allegations is that the respondent police immediately rounded up and nabbed A1 and he has 2 pockets weighing 10 grams each of Ganja in his hand and after search, also found another 3 pockets weighing each 10 grams of Ganja in his two wheeler and in total about 50 grams of Ganja seized from the first accused. The respondent police arrested the first accused on the spot and at that time, the first accused allegedly confessed that the petitioners are friends and had given the alleged contraband to him for sale and based on his confession, the respondent police included the petitioners name in the list of accused and registered the present case.

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

4.It is seen that there are totally three accused in this case and the petitioners are arrayed as A2 and A3. A1 was found in possession of 50 grams of Ganja and on his confession, the petitioners have implicated as accused. Except the present case, no other case is pending against them.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

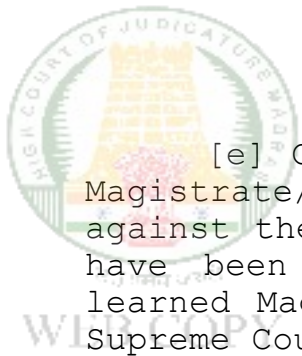
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Eraniel, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood related 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
09/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
ERANIEL
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL
- 3 THE INSPECOTR OF POLICE
ERANIEL POLICE STATION,
KANNYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.VAMANAN, Advocate (SR-8378[I] dated 09/06/2023)

ORDER
IN
CRL OP(MD) No.10077 of 2023
Date :09/06/2023

PKP/BUC/SAR- /21.06.2023/ **3P/6C**