



CRL OP(MD). No.12789 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12789 of 2023

Rex Ralston N Raja

... Petitioner/ Accused No.3

Vs

State Rep.by
The Inspector of Police,
Puthukadai Town Police Station,
Kanyakumari District.
(Crime No.253 of 2022).

... Respondent/ Complainant

For Petitioner : M/s.Ananth C Rajesh, Advocate

For Respondent : Mr.S.Ravi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.253 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.12789 of 2023

WEB COPY

The petitioner/Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of NDPS Act and Section 77 of the Juvenile Justice (Care and Protection of Children), Act, 2015 in Crime No.253 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons have found in illegal possession of 120 grams of ganja and three accused were arrested on the spot and the other accused persons have absconded from the scene of occurrence. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. The petitioner is the owner of the vehicle seized with contraband. However, the said vehicle was borrowed by the co-accused and on the day of occurrence, the petitioner went to attend family function. He has been falsely implicated in this case, based on the confession of co-accused. The co-accused have been released on anticipatory bail as per the order of this Court in CrI.O.P(MD)No.2127 of 2023, dated 02.02.2023. Hence, prays to release him on anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the accused persons were found in illegal possession of ganja. The petitioner is not having any



CRL OP(MD). No.12789 of 2023

WEB COPY

previous case at his credit. In this case, investigation is still pending and hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the co-accused have been released on anticipatory bail and this petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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 , Kuzhithurai, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a



CRL OP(MD). No.12789 of 2023

period of 15 days from the date on which the order copy made ready, failing which,
the petition for anticipatory bail stands dismissed.

sd/-
13/07/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

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

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-10652[I] dated 13/07/2023

ORDER
IN
CRL OP(MD) No.12789 of 2023
Date :13/07/2023

PKP/BUC/SAR- /24.07.2023/ 4P/6 C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023

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