



CRL OP(MD) No.15757 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15757 of 2023

1.Vijayaraj

2.Vinothkumar

... Petitioners / Accused No.2 & 4

Vs

State Rep. by,  
The Sub Inspector of Police,  
Dhalavaipuram Police Station,  
Virudhunagar District.  
(Crime No.204 of 2023).

... Respondent / Complainant

For Petitioners : Mr.M.Prabhu, Advocate.

For Respondent : Mr.B.Nambiselvan,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.204 of 2023 on the file of the respondent police.



**CRL OP(MD) No.15757 of 2023**

**ORDER:** The Court made the following order :-

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The petitioners/A2 and A4 who were arrested and remanded to judicial custody on 19.08.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(A) NDPS Act and Section 77 of Juvenile Justice Act in Crime No.204 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that when on 19.08.2022, the respondent police during rounds near Nadar Higher Secondary school, Melavaragunaramapuram, at that time, A3 came in a two wheeler bearing registration No.TN-65-BZ-2568. On suspicion, the respondent police stopped the vehicle and made search and found the petitioners in possession of 60 grams of ganja. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that there is no previous case as against the petitioners and they are no way connected with the said occurrence. Hence, they seeks bail.

4. The learned Additional Public Prosecutor would submit that these petitioners have possession of 60grams ganja and investigation in initial stage. However, no previous cases pending against the petitioners. Hence he objected to grant bail to the petitioners.

5. Heard both side and perused the materials available on record.



**CRL OP(MD) No.15757 of 2023**

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6. Considering the rival submissions on either side and considering the quantity of contraband involved in the case and also considering the period of incarceration, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are 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, Rajapalayam and on further conditions that:

[b] the petitioners shall report before the respondent police daily at 10.00 A.M. until further orders.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].



CRL OP(MD) No.15757 of 2023

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section

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229A IPC.

sd/-  
30/08/2023

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30/08/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

MRN

To

1.The Judicial Magistrate,  
Rajapalayam.

2.Do through the Chief Judicial Magistrate,  
Virudhunagar District at Srivilliputhur.

3.The Sub Inspector of Police,  
Dhalavaipuram Police Station,  
Virudhunagar District.

4.The Officer Incharge,  
Sub Jail,  
Srivilliputhur.

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

+1 CC to M/s.M.PRABU, Advocate ( SR-12967[I] dated 30/08/2023 )



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**CRL OP(MD) No.15757 of 2023**

ORDER

IN

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Date :30/08/2023

ED/ /SAR- (30/08/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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