



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.16792 of 2023

Eraivan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.202 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Indrachithu.T,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.202 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody



on 18.08.2023 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile and Justice (Care and Protection of Children) Act, 2015 in Crime No.202 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 4 packet of ganga each containing 100g of ganga(totally 400 gms), hence the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in judicial custody from 18.08.2023. He would further submit that the previous cases pending against the petitioner are disposed of ,hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 4 packet of ganga each containing 100g of ganja and the investigation is at the preliminary stage,hence he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that previous cases pending against the petitioner are disposed of and considering the period of incarceration and all other aspects, this Court is inclined to grant bail to the



petitioner, subject to the following conditions:

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[a] 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, Rajapalayam, Virudhunagar District and on further conditions that:

[b] the petitioner shall report before the respondent police everyday at 10.00 a.m., until further orders.

[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
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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
19/09/2023

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19/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE 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.



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+1 CC to M/s.T.INDRACHITHU, Advocate (SR-13847[I] dated 19/09/2023)

ORDER

IN

CRL OP(MD) No.16792 of 2023

Date :19/09/2023

SS/19/09/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023