



CRL OP(MD). No.17540 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17540 of 2023

Ananth,

... Petitioner/2nd Accused

Vs

**State Rep.by
The Sub Inspector of Police,
Prohibition Enforcement Wing,
Thuckalay Police Station.
(Crime No.510/2023).**

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.N,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. 510 /2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

**The petitioner/ Accused No.2, who was arrested and remanded to judicial custody
on 24.08.2023 for the offences punishable under Sections 20(b)(ii)(A) Section 25, 8(c)**

of Narcotic Drugs and Psychotropic Substances Act and Section 77 of Juvenile Justice

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



CRL OP(MD). No.17540 of 2023

Act, in Crime No.510 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 24.08.2023, when the police party on getting information went to the occurrence spot, they found the petitioner having possession of 150 grams of Ganja Products. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him and he is custody from 24.08.2023, hence bail may be granted to the petitioner.

4. The learned Government Advocate (Crl. side) would submit that the petitioner is having possession of 150 grams of ganja products. He has one previous case and strongly opposed 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, considering the nature of offence and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[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, Iraniyal, Kanniyakumari District and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 A.M.



CRL OP(MD). No.17540 of 2023

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 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/-
29/09/2023

/ TRUE COPY /

29/09 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO

1 THE JUDICIAL MAGISTRATE,
IRANIYAL, KANYAKUMARI DISTRICT.

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



CRL OP(MD). No.17540 of 2023

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3 THE OFFICER INCHARGE, SUB JAIL , NAGERKOVIL.

4 THE SUB INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
THUCKALAY POLICE STATION.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-14440[I] dated 29/09/2023)

ORDER
IN

CRL OP(MD) No.17540 of 2023

Date :29/09/2023

PKP/SAR- /29.09.2023/ 4P/7C

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