



CRL OP(MD). No.20211 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI
CRL OP(MD). No.20211 of 2023

1. Suresh

2. Savery Karuppasamy

... Petitioners/ Accused No.1&2

Vs

The State rep.by,
The Sub Inspector of Police,
Sambavar Vadakarai Police Station,
Tenkasi District.
(In Crime No.167/2023)..

... Respondent/ Complainant

For Petitioners : Mr.V.Angusamy,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.167/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / A1 and A2 who were arrested and remanded to judicial custody on 19.10.2023 for the offences under Sections 8 (c) ,20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice(Care and Protection of Children)Act, 2015 in Crime

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



CRL OP(MD). No.20211 of 2023

No.167 of 2023 on the file of the respondent police seek bail.

WEB COPY

2. The case of the prosecution is that on 19.10.2023 the petitioners were found in unlawful possession of 90grams of kanja with an intention to sell the same to general public. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are in custody from 19.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners were found in unlawful possession of 90grams of kanja,hence he objected to grant bail to the petitioners. The first petitioner is having three similar previous cases. However he fairly concedes that no previous case is pending against the second petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that the contraband involved in very meagre quantity and also taking into consideration the period of incarceration this court is inclined to



CRL OP(MD). No.20211 of 2023

grant bail to the petitioners , subject to the following conditions:

WEB COPY

[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)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Senkottai and on further conditions that:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 A.M., and 5.30 P.M., for a period of thirty days and thereafter as and when required for interrogation.

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

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



CRL OP(MD). No.20211 of 2023

WEB COPY

[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].

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

sd/-
09/11/2023

/ TRUE COPY /

09/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.THE JUDICIAL MAGISTRATE, SENKOTTAI.



CRL OP(MD). No.20211 of 2023

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE OFFICER IN CHARGE, SUB JAIL, TENKASI.

4. THE SUB INSPECTOR OF POLICE,
SAMBAVAR VADAKARAI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-16113[I] dated 09/11/2023)

ORDER
IN
CRL OP(MD) No.20211 of 2023
Date :09/11/2023

RK/ (09/11/2023) 5P / 7C

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