



CRL OP(MD). No.21503 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Jenith Aaron Immanuel,

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District-630606.
Cr.No.517/2023.

... Respondent/Complainant

For Petitioner : Mr.R.SENTHILKUMAR,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 517/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded to judicial custody on 11.11.2023 for the alleged offence punishable under Sections 8(c) r/w. 20(b)(ii)(B) of NDPS Act, in Crime No.517 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent officials were conducted raid on 11.11.2023 and at that time the they



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were seized 3.5 kgs of Ganja from A1 and other accused. Hence, the case.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is college going student and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 11.11.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the contraband recovered from A1 is commercial quantity. He would further submit that the petitioner is not having any previous case and the investigation of the case is pending.

5. Considering the fact that there is no previous case pending against that the petitioner and that the contraband has not been recovered from the petitioner herein and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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,



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Manamadurai and on further conditions that:

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(i) the petitioner shall affix his photograph 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.

(ii) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/12/2023

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05/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP

TO

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1 THE JUDICIAL MAGISTRATE, MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

4 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-17263[I] dated 05/12/2023)

ORDER IN

CRL OP(MD) No.21503 of 2023

Date :05/12/2023

SA/SAR. /05.12.2023/4P/7C

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