



CRL OP(MD). No.22090 of 2023

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

Date : 07/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22090 of 2023

Balasubramanian

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Ayikudi Police Station,
Tenkasi District.
(In Crime No.104 of 2023).

... Respondent / Complainant

For Petitioner : C. Susikumar, 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.104 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded to judicial custody on 15.10.2023 for the alleged offence punishable under Sections 8(c) r/w. 20(b)(ii)(A) of NDPS Act and Section 25(1A) of Arms Act, in Crime No.104 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner herein and other accused illegally found in possession of 750 gms of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner 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 15.10.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the contraband recovered is not commercial quantity and the petitioner herein is having one previous case in similar nature. He would further submit that the investigation of the case is pending.

5. Considering the fact that the contraband recovered is not a commercial quantity 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, Senkottai 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 once in a month i.e., on first working day of every English Calender month at 10.30 am until further orders.

(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/-
07/12/2023

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07/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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To
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- 1.The Judicial Magistrate,
Senkottai.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Ayikudi Police Station,
Tenkasi District.
- 4.The Superintendent,
Central Prison,
Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.22090 of 2023
Date :07/12/2023

ED/ /SAR- (07/12/2023) 4P / 6C

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