



CRL OP(MD). No.912 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.912 of 2024

1.Mathan

2.Mathankumar

... Petitioner/ Accused No.1&3

Vs

The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

Crime No.4 of 2024.

... Respondent/Complainant

For Petitioners : Mr.A.Mohamed Hashim
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

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

PRAYER :-

For bail in Crime No.4 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / A1 & A3, who were arrested and remanded to judicial custody on 04.01.2024 for the offence under Sections 8(c) r/w 20(b)(ii)(A) of the NDPS Act and Section 77 of Juvenile Justice Act, in Crime No.4 of 2024 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused

were found in illegal possession of 70 grams of Ganja. Hence, the case.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the contraband seized from the petitioners is not a commercial quantity. Further, no previous case is pending against the petitioners and the petitioners are in judicial custody from 04.01.2024 . Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused were found in illegal possession of 70 grams of Ganja. However, he fairly conceded that no previous case is pending against the petitioners.

5. Considering the period of incarceration and also considering the fact that the contraband seized from the petitioners does not come under the commercial quantity, this court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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, Tenkasi, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity;

(b) the petitioners are directed to appear before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2024

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22/01/2024

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

dss



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TO

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1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.

4 THE SUPERINTEDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

ORDER
IN

CRL OP(MD) No.912 of 2024

Date :22/01/2024

RS/ /SAR-(22.01.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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