



CRL OP(MD).No.6910 of 2024

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

Date : 08.05.2024

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE
CRL OP(MD).No.6910 of 2024

1. Abdul Basith @ Abdul Fasid
2. Kavın Kumar
3. Selvakumar

... Petitioners/ Accused No.A1 to A3

Versus

The State Rep. by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.

... Respondent/Complainant

For Petitioners : Mr.D.S.Haroon Rasheed
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.112 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on
11.04.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(A) of Narcotic

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



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Drugs & Psychotropic Substances Act 1985 and Section 25(1)(a) of Arms Act, 1959, in

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Crime No.112 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 100 grams of ganja and a knife. Hence, the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that A1, who belongs to Coimbatore, fell in love with a girl, who belongs to Adiramapattinam and subsequently, they got married as against the wishes of their parents. On the date of occurrence, when the petitioners went to Adiramapattinam, there was a wordy quarrel between the petitioners and the family members of A1's wife, due to which, this case has falsely been implicated as against the petitioners and they are languishing in jail from 11.04.2024. Therefore, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioners are not having any previous case.



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5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioners) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioners) have committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioners) are not guilty of the offence they are charged with.

8. The Court has to strike a balance between the rights of the accused (petitioners) to their liberty and the interest of the society. Liberty of an accused (petitioners) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

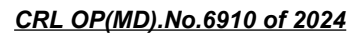


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9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions by them.

- i. The petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai.
- ii. The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- iii. the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.
- iv. The petitioners shall not tamper with evidence or witness either during investigation or trial;



vi. 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 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]; and ;

vii.If the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

10. Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

/ TRUE COPY /

08/05/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.



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

4. THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-5298[I] dated 08/05/2024)

ORDER
IN
CRL OP(MD) No.6910 of 2024
Date :08/05/2024

RK (08/05/2024) 6P / 7C

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