



CRL OP(MD). No.7289 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7289 of 2024

1. Venkatesh
2. Solairaj

... Petitioners/ A1 and A2

versus

The State Rep. by
The Sub Inspector of Police,
Soolakarai Police Station
Virudhunagar District
Crime No.83 of 2024

... Respondent/ Complainant

For Petitioners : Mr.M.Jothi Basu, Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.83 of 2024 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



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on 26.04.2024 for the offences under Section 8(c) r/w 20(b)(ii)(A) of NDPS Act, 1985 and Section 77 of Juvenile Justice(Care and Protection of Children) Act, 2015, in Crime No.83 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 10 gms of ganja each. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 26.04.2024. Hence, 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 no previous case is pending as against the petitioners.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration and also considering the fact that there is no previous case as against the petitioners, this court is inclined to grant bail to the petitioners.



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6. Accordingly, this Criminal Original Petition is ordered and 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 learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District and on further conditions that :-

[a] 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.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m. Until further orders.

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

[d] the petitioners shall not tamper with evidence or witness 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



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with law as if the conditions have been imposed and the petitioners are 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].

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

sd/-
22/05/2024

/ TRUE COPY /

23/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.



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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-5622[I] dated 22/05/2024)

ORDER
IN
CRL OP(MD) No.7289 of 2024
Date :22/05/2024

SS/SAR- /23/05/2024/5P/7C

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