



CRL OP(MD). No.10333 of 2024

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

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10333 of 2024

Sehu Noordeen @ Sheik Noordeen

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
(Crime No. 229/2024.)

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 229 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 26.06.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(A) of NDPS Act, 1985 and Section 77 of Juvenile Justice Act, in Crime No.229 of 2024 on the file



CRL OP(MD). No.10333 of 2024

of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 150 grams (each 75 grams) of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner is in judicial custody from 26.06.2024.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other accused were found in illegal possession of 150 grams (each 75 grams) of Ganja and the investigation is pending and hence, he strongly opposed for grant of bail.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner was found to be in possession of small quantity of ganja and considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 Judicial Magistrate, Tiruchendur.



CRL OP(MD). No.10333 of 2024

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(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL OP(MD). No.10333 of 2024

To

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1.The Judicial Magistrate,
Tiruchendur.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi 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.10333 of 2024

Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 6C

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