



CRL OP(MD). No.10487 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.10487 of 2024

Rajesh,

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Karimedu Police Station,
Madurai District.
Crime No. 338/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,
Advocate.

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

PRAYER :- For Bail in Crime No.338 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 15.06.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(A) of NDPS Act, and Section 77 of JJ Act, in Crime No.338 of 2024 on the file of the respondent police, seeks bail.



CRL OP(MD). No.10487 of 2024

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2.The case of the prosecution is that the petitioner was found in illegal possession of 90 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 15.06.2024.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was found in illegal possession of 90 grams of Ganja and he is having one previous case. 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



CRL OP(MD). No.10487 of 2024

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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 No.V, Madurai.

(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].



CRL OP(MD). No.10487 of 2024

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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 ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.10487 of 2024
Date :16/07/2024

SS/SAR- /16/07/2024/5P/6C

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