



CRL OP(MD). No.10549 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.10549 of 2024

1. Muraleeshwaran,

2. Singamuthu,

... Petitioners/1<sup>st</sup> & 2<sup>nd</sup> Accused

Vs

The Inspector of Police,  
Karaikudi South Police Station,  
Sivagangai District,  
Crime No.173/2024.

... Respondent/Complainant

For Petitioners : Mr.D.Shanmugaraja Sethupathi,  
Advocate.

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

PRAYER :- For Bail in Crime No.173/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 08.07.2024 for the offences punishable under Section 25(1-A) of Arms Act, 1959 and Sections 8(c), 20(b)(ii)(A) and 25 of NDPS Act, in Crime No.173 of 2024 on the file of the respondent police, seek bail.



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2.The case of the prosecution is that the petitioners were found in illegal possession of 10 grams of Ganja. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners are in judicial custody from 08.07.2024.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners were found in illegal possession of 10 grams of Ganja. 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 petitioners were 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 petitioners subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/-



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(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Karaikudi, Sivagangai.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

iv)the petitioners 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 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].



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vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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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 JUDICAIL MAGISTRATE,  
KARAIKUDI, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
KARAIKUDI SOUTH POLICE STATION,  
SIVAGANGAI DISTRICT
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate ( SR-7999[I] dated 16/07/2024 )



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ORDER  
IN  
CRL OP(MD) No.10549 of 2024  
Date :16/07/2024

SS/SAR- /16/07/2024/5P/7C

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