



CRL OP(MD). No.11150 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11150 of 2024

Sivakumar

... Petitioner/ Accused Rank No.1

Vs

The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District,
Crime No.221/2024

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy, Advocate.

For Respondent : Mr.T.Senthilkumar, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER :-

For Bail in Crime No.221/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under Section 8(C) r/w 20(b)(ii)(A), 25, 29(1) of NDPS Act 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.221 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner was found in illegal possession of 100 grams of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, the learned counsel prayed for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was found in illegal possession of 100 grams ganja. However, he fairly conceded that the contraband recovered from the accused is comes under the small quantity.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner was found to be in possession of small quantity of ganja and he is in judicial custody from 16.07.2024, 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 learned Judicial Magistrate, Bodinayakkanur, Theni District.

(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



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card or Bank Pass Book to ensure their identity;

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(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/07/2024

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

SKN

TO

1 THE JUDICIAL MAGISTRATE, BODINAYAKKANUR, THENI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

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3 THE OFFICER INCHARGE, DISTRICT JAIL, THEGAMPATTI, THENI.

4 THE INSPECTOR OF POLICE, BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-8446[I] dated 24/07/2024)

ORDER

IN

CRL OP(MD) No.11150 of 2024

Date :23/07/2024

RS//SAR-(24.07.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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