



CRL OP(MD)No.11722 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.07.2024

PRESENT

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

CRL OP(MD)No.11722 of 2024

1.Eswari

2.Satheshkumar

... Petitioners/ Accued Nos. 1 & 2

Vs

**The Inspector of Police,
Kadaimalaikundu Police Station,
Theni District.
(Crime No.231 of 2024)**

... Respondent/Complainant

For Petitioners : Mr.S.Balaji,Advocate

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor.

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Cr No.231 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on

<https://www.mhc.tn.gov.in/judis>



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11.07.2024 for the offence punishable under Sections 8(c), 20(b)(ii)(A), 29(1) NDPS Act and Section 77 of the JJ Act in Cr.No.231 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 50 grams of ganja. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 11.07.2024, hence they may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed. However, he fairly conceded that no previous case is pending against the petitioners.

5.Considering the period of incarceration and also considering the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant bail to the petitioners on certain 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/- (Rupees Ten Thousand only)each with two sureties each for a like sum to the satisfaction of

the learned Judicial Magistrate, Aundipatty, Theni District.

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[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/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 Judicial 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].

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

sd/-

30/07/2024

/ TRUE COPY /

31/07/2024

Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS
TO

- 1 THE JUDICIAL MAGISTRATE, ANDIPATTY, THENI DISTRICT.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KADAIMALAIKUNDU POLICE STATION, THENI DISTRICT.
 - 4 THE SUPERINTENDENT
CENTRAL PRISON FOR WOMEN, MADURAI.
 - 5 THE OFFICER INCHARGE
THENI MENS PRISON, THENI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.BALAJI, Advocate (SR-8986[I] dated 30/07/2024)

ORDER
IN

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Date :30/07/2024

PKP/31.07.2024/ 4P/ 8C

Madurai Bench of Madras High Court is issuing certified
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