



**CRL OP(MD). No.12633 of 2024**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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G.Abinesh

... Petitioner/ Accused No.2

Vs.

(\*) The Inspector of Police,  
Karungal Police Station,  
Kanyakumari.  
(Crime No.199/2024)

... Respondent/Complainant

For Petitioner : Mr.A.Arun Ramnath, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

For bail in Crime No.199 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 13.07.2024 for the offences punishable under Sections 8(C), 20(b)(ii)(A) and 25 NDPS Act, 1985 and Section 77 of the Juvenile Justice Act, 2015, in crime No.199 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other accused were found in illegal possession of 50 grams of Ganja.

3. The learned counsel for the petitioner would submit that the petitioner is an



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innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.07.2024.

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4. The learned Public Prosecutor submits that the petitioner herein is not having any previous case. However, the investigation is almost over and therefore, bail should not be granted.

5. Considering the fact that 50 grams of ganja was recovered from the petitioner and that the petitioner does not have any previous case and the petitioner is arrested on 13.07.2024, I am inclined to enlarge the petitioner on bail.

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, Eraniel.

(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 twice i.e. morning at 10.30 a.m., and evening at 05.30 p.m., for a period of eight weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;



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(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/-  
05/08/2024

(\*)Corrected as per order of this Hon'ble Court in  
CRL OP(MD).12633/2024 dated 06/08/2024  
/ TRUE COPY /

07/08/2024

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

LS  
TO

1 THE JUDICIAL MAGISTRATE, ERANIEL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, KARUNGAL POLICE STATION,  
KANYAKUMARI.



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

ORDER  
IN

CRL OP(MD) No.12633 of 2024

Date :05/08/2024

RS//SAR-(07.08.2024) 4P 5C  
Madurai Bench of Madras High Court is issuing  
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