



CRL OP(MD). No.14311 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14311 of 2024

Mari @ Marisamy

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
PEW Theni,
Theni District.
Crime No.506/2024..

... Respondent/ Complainant

For Petitioner : M/s.Balan.P,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
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 Crime No.506/2024 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

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



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on 31.05.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(A), 25, 29(1) of
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Narcotic and Psychotropic Substances Act, 1985 and Section 77 of Juvenile Justice
(Care and Protection of Children) Act, in crime No. 506 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 possession 550 gms of Ganja. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional
Public Prosecutor appearing for the respondent and perused the materials available
on record.

4. Considering the nature of allegations in this case that the petitioner only
supplied the contraband totally weighing 550 grams to the first accused from whom
the contraband was recovered and considering the fact that the 1st and 3rd accused
have already been released on bail and only considering the fact that there are no
previous antecedents as against the petitioner and that the petitioner is in jail from
31.05.2024, I am inclined to enlarge the petitioner on bail.



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5. 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, Theni.

(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 appear before the respondent Police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

(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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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(vi)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/09/2024

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24/09/2024
Sub-Assistant Registrar (CS- IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate, Theni.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Officer in charge, District Prison, Theni.
- 4.The Sub Inspector of Police,
PEW Theni,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.BALAN, Advocate (SR-11643[I] dated 24/09/2024)



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ORDER

IN

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Date :24/09/2024

RK (24/09/2024) 5P / 7C

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