



CRL OP(MD). No.15841 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15841 of 2024

Kamal

... Petitioner/Petitioner/
1st Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Rajathani Police Station,
Theni,
Crime No.176 of 2024.

... Respondent/Respondent/
Complainant

For Petitioner : Mr.J. Senthil Kumaraiah,
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.176 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



CRL OP(MD). No.15841 of 2024

on 05.08.2024 for the offences punishable under Sections 8(c) r/w. Sections 20(b)(ii) (A), 25 and 29 (1) of NDPS Act and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in crime No.176 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 100 grams of Ganja. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the facts and circumstances of the case and also considering the nature of allegation that the petitioner is said to have been in possession of 100 grams of Ganja and considering the fact that there are no other antecedents with reference to NDPS case and there is one previous case with relating to SC/ST Act and considering the fact that the petitioner is in jail from 05.08.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is



CRL OP(MD). No.15841 of 2024

WEB COPY

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, Andipatty;

(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 at 10.30 a.m., for a period of three 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;

(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



CRL OP(MD). No.15841 of 2024

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 229A IPC.

sd/-
20/09/2024

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20/09/2024
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. THE JUDICIAL MAGISTRATE, ANDIPATTY;
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
3. THE INSPECTOR OF POLICE,
RAJATHANI POLICE STATION,
THENI.
- 4.THE OFFICER IN CHARGE,
DISTRICT PRISON, THENI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-11524[I] dated 20/09/2024)

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



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CRL OP(MD). No.15841 of 2024

ORDER
IN
CRL OP(MD) No.15841 of 2024
Date :20/09/2024

RK (20/09/2024) 5P / 7C

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