



CRL OP(MD). No.19346 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2024

PRESENT

The Hon`ble Mr.Justice **N.ANAND VENKATESH**

CRL OP(MD). No.19346 of 2024

Kumar

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Colachel Police Station,
Kanyakumari District.
Crime No. 290/2024.

... Respondent/Complainant

For Petitioner : Mr.Sivakumar. S,

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 290 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 29.09.2024 for the offences under Sections 123 of BNS (hereinafter referred to as new penal code) and Sections 8(c), 20(b)(ii)(A), 25 and 29(1) of NDPS Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.290 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 was found in possession of 80 grams of Ganja and he was arrested and the contraband was seized. Based on his confession, the petitioner (A2) was arrested and remanded to judicial custody on 29.09.2024.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has seven previous cases against him, out of which, six cases are of similar nature. The learned Additional Public Prosecutor further submitted that it is the petitioner, who had supplied the Ganja to A1. It was further submitted that A1 has been arrested and he is still in judicial custody.



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4. The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and the petitioner has been roped in based on the alleged confession made by A1.

5. Taking into consideration the facts and circumstances of the case and also the quantity involved in this case and also considering the fact that the petitioner has already suffered incarceration from 29.09.2024 onwards, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered 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**, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police **daily at 10.30 a.m for a period of three weeks** and thereafter, he shall report before the respondent police as and when required, except on the days when the case is posted for hearing before the trial Court.



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without fail.

[c] the petitioner shall appear before the trial Court during every hearing date

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

sd/-
11/11/2024

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11/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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TO
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- 1 THE JUDICIAL MAGISTRATE
ERANIEL.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE OFFICER INCHARGE
DISTRICT JAIL, NAGERCOIL.
 - 4 THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.SIVAKUMAR, Advocate (SR-13790[I] dated 11/11/2024)

ORDER
IN

CRL OP(MD) No.19346 of 2024

Date :11/11/2024

SS/SAR- /11/11/2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023