

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4886 of 2020

RITHICK KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
SHO DHANVANTRI NAGAR ('D' NAGAR) P.S,
PONDICHERRY THROUGH THE PUBLIC,
PROSECUTOR PONDICHERRY.
CRIME NO.252/2019.

For Petitioner : M/S.E.EZHIL CAROLINE Advocate

For Respondent : MR. BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR FOR
(PUDUCHERRY)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.12.2019 for an offence punishable under Sections 20 (B) R/W 8(C) of NDPS Act and Sec 77 of Juvenile Justice Act 2015, in Crime No.252 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with three other accused persons was found in possession of 4.65 kgs of Ganja. Hence, the complaint was registered by the respondent/police.

3.The learned counsel appearing for the petitioner would submit that the petitioner along with three others were found to be in possession of 4.65 kgs of Ganja which is not commercial quantity. He further submit that the petitioner is in Judicial custody for more than 85 days and there is no previous case pending as against him. Hence, he seeks for grant of bail to the petitioner.

4.The learned Public Prosecutor (Puducherry) would submit that the petitioner along with three others were found to be in possession of 4.65 kgs of Ganja and awaiting for the chemical analysis report and there is no previous case is pending insofar as this petitioner is concerned.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate -III, Pondicherry, 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 appear before the respondent police daily at 10.30 a.m., until further orders.

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

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

[e] 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]**.

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

-sd/-
03/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PONDICHERRY.

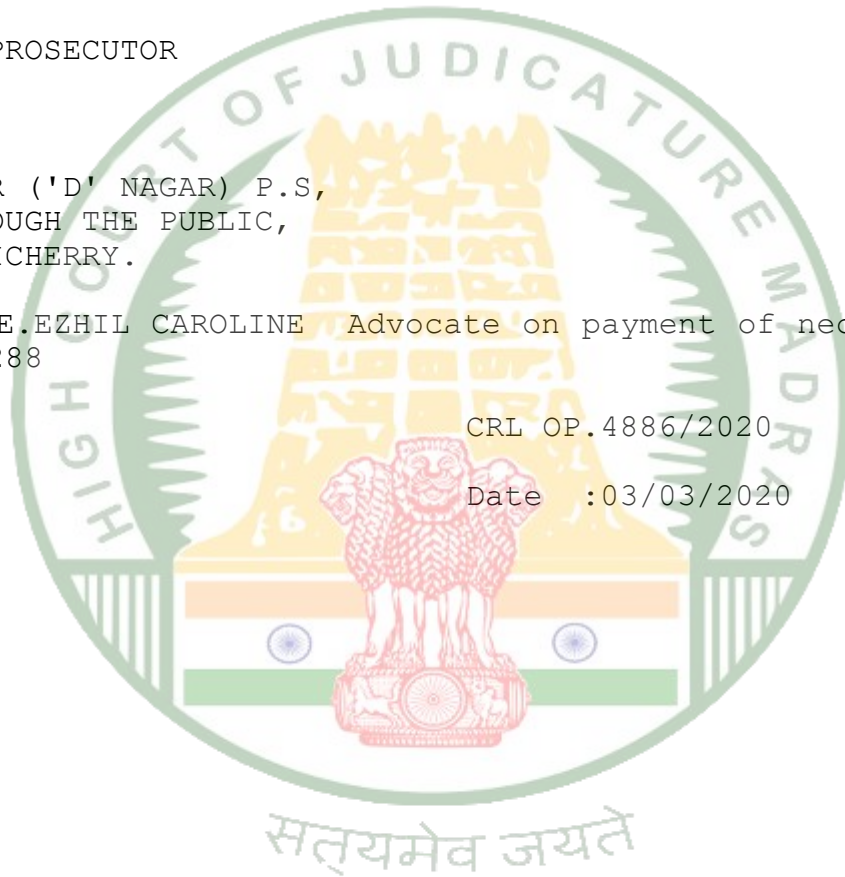
5 THE SHO,
DHANVANTRI NAGAR ('D' NAGAR) P.S,
PONDICHERRY THROUGH THE PUBLIC,
PROSECUTOR PONDICHERRY.

+1CC to M/S.E.EZHIL CAROLINE Advocate on payment of necessary
charges SR NO.4288

CRL OP.4886/2020

Date :03/03/2020

MK:03/03/2020



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