



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.17689 of 2021

Raja @ Auto Raja

... Petitioner

Vs.

State, Rep by
Station House Officer,
T.R.Pattinam Police Station,
Karaikal.
(Crime No.72 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the bail to the petitioner in Crime No.72 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.V.Balamurugane
Public Prosecutor for Pondicherry

ORDER

The petitioner who was arrested on 05.08.2021 and remanded to judicial custody for the offences under Section 20(b) ii (B) and 8(c) of Narcotic Drugs and Psychotropic Substances Act 1985 in Crime No.72 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on getting secret information of the sales of banned Narcotic drugs like Ganja to the youth persons at VMCS Water Service, Thittachery Salai, Melaiyur, T.R.Pattinam, the police team reached the spot and found 2 Kgs of ganja in the occurrence place. During investigation, they came to know that the petitioner along with other accused persons were illegally stocked the banned narcotic ganja. Hence the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence. He further submits that there was no seizure from the



petitioner. Infact the seized quantity is not a commercial quantity and there was no previous case against the petitioner. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that though no previous case against the petitioner and he has escaped from the scene of occurrence. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the seized quantity is not a commercial quantity and there was no previous case against the petitioner and further considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 -II, Karaikal 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. 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]; and;



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

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-sd/-

25/10/2021

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.II, KARAİKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET, PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

5 THE STATION HOUSE OFFICER,
T.R.PATTINAM POLICE STATION,
KARAİKAL.

+1 CC to M/S. K.SUDHAKAR Advocate on payment of necessary
charges SR.NO.11708

CRL OP.17689/2021

Date :25/10/2021

RW 25/10/2021