



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8736 of 2022

Karthik @ Kaalimurthy

.. Petitioner

Vs.

State Rep. by
The Station House Officer,
D-Nagar Police Station,
U.T. of Puducherry.
(Crime No.183 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in Spl.S.C.No.4/2022 (On the file of the Special Judge III-Additional Sessions Judge) at Pondicherry.

For Petitioner : Mr.Prakashadiapadam

For Respondent : Mr.V.Balamurugane,
Public Prosecutor (Puducherry)

ORDER

The petitioner/Accused, who was arrested for the offences punishable under Sections 20(b)(ii)(B) of NDPS Act 1985 r/w Section 8 (c) of NDPS Act 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act 2015 in Crime No.183 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein was found in possession of 1,050 grams of ganja concealed in his house. Hence he was arrested on 20.11.2021. According to the prosecution, the petitioner had purchased ganja from Andhra Pradesh and selling it through A2 and others. When the A2 was arrested, it has been disclosed that he had earlier purchased 1/2 kgs of ganja from this petitioner and sold it to public including juvenile and after that for replenishment of the stock, he has gone to A1 to purchase further quantity of ganja. At



that time having sale proceeds of Rs.1,500/-, was recovered from A2 and this petitioner herein is A1 from whom 1,050 grams of ganja had been recovered, investigation is completed and final report filed.

3. The learned Public Prosecutor (Puducherry) states that Spl.S.C.No.4 of 2022 had been assigned and the case is posted for framing of charges.

4. Considering the fact that the quantity alleged to have seized from the petitioner is intermediate quantity bordering in small quantity, investigation is completed and ripe for trial, this Court is of the view that the petitioner may be granted bail subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge (III-Additional Sessions Judge), Pondicherry.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the trial Court on every 1st and 15th of the English calendar month and also attend trial on the date of hearing without any absence;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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/-
19/04/2022

WEB COPY

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 SPECIAL JUDGE
(III ADDITIONAL SESSIONS JUDGE), PONDICHERRY.

2 THE STATION HOUSE OFFICER,
D-NAGAR POLICE STATION,
U.T. OF PUDUCHERRY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY,
KALAPET, PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PONDICHERRY.

+1 CC to M/S. PRAKASHADIAPADAM Advocate on payment of necessary charges SR.NO.5803

CRL OP.8736/2022

Date :19/04/2022

JPA 19/04/2022