



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.14047 of 2022

S.Pazhanivel

... Petitioner

Vs.

State rep by
The Inspector of Police,
Villianur Police Station,
Pondicherry,
Crime No.96 of 2022.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.96 of 2022 pending on the file of the respondent police.

For Petitioner : Mr.Prakash Adiapadam

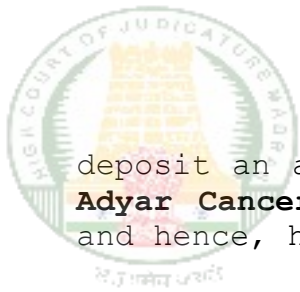
For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.03.2022 for the offence under Section 20(b)(ii)B of NDPS Act r/w Section 8(C) of the NDPS Act and Section 77 of the Juvenile Justice Act, in Crime No.96 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.03.2022, when the respondent police were on rounds, they found that one Maran @ Manimaran was in possession of 200 gms of Ganja and on his confession statement, the respondent went to the residence of Tamizhagan, where he along with the petitioner were in possession of 1800 gms of Ganja. Hence, the case was registered against the petitioner and others.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would further nothing was recovered from the petitioner and he is no way connected with the allegations. He also submitted that the petitioner was arrested and remanded to judicial custody on 25.03.2022. On instructions, he would further submit that the petitioner is ready to



deposit an amount of Rs.20,000/- (Rupees twenty thousand only) to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that totally there are three accused and the petitioner is arrayed as A3. The petitioner along with other accused was in possession of 2kg of Ganja. Hence he vehemently opposed to grant of bail to the petitioner.

5. It is seen that the petitioner is arrayed as A3 and no contraband has been recovered from the petitioner. Further the alleged contraband is below the commercial quantity. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner, and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- (Rupees twenty thousand only) to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) by way of Demand Draft to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and on such deposit 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 blood related sureties, each for a like sum to the satisfaction of the learned Special Judge (III Additional Sessions Judge), Puducherry, 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 deposit a sum of Rs.20,000/- (Rupees twenty thousand only) by way of Demand Draft to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**.

[c] the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., for the period of three weeks and thereafter as and when required for interrogation.

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

[e] the petitioner shall not tamper with evidence or witness 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/-
17/06/2022

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),
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE INSPECTOR OF POLICE,
VILLAIANUR POLICE STATION,
PONDICHERRY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET,
PUDUCHERRY.

5 THE CANCER INSTITUTE (WIA),
EAST CANAL BANK ROAD,
ADYAR, CHENNAI.

+1 CC to M/S.PRAKASH ADIAPADAM Advocate on payment of necessary charges SR.NO.9455

CRL OP.14047/2022

Date :17/06/2022

TA-17/06/2022