



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

WEB COPY

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

Crl.OP.No.14576 of 2022

Mokaraasu

... Petitioner

Vs.

State rep by its
Station House Officer,
Lawspet Police Station,
Puducherry.
Crime No.58 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.58 of 2022 pending on the file of the respondent police.

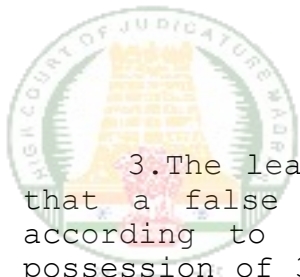
For Petitioner : Mr. D.Senthil Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.04.2022 for the offence under Section 8(c), 20(b)(ii) (A) of the Narcotic Drugs & Phychotropic Substances Act, 1958 r/w Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.58 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.04.2022, based on the secrete information, the respondent police went to the place of occurrence and found that the petitioner along with other accused persons were involved in selling of ganja to the general public. It is also alleged that totally the respondent seized 20.1 Kg of Ganja in which, the petitioner was in possession of 3.7 kg of Ganja and cash of Rs.70,000/-. 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. Even according to the case of the prosecution, the petitioner was in possession of 3.7 Kg of Ganja which is below the commercial quantity. He also submitted that the petitioner was arrested and remanded to judicial custody on 09.04.2022. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.50,000/- (Rupees fifty 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 five accused in which, the petitioner is arrayed as A3. The petitioner along with other accused was in possession of 20.1 kg of Ganja. Hence he vehemently opposed to grant of bail to the petitioner.

5.It is seen that even according to the case of the prosecution, all the accused persons were in separate possession of their respective quantity of Ganja and insofar as the petitioner is concerned he was in possession of 3.7 Kg of Ganja and a sum of Rs.70,000/- cash. Further it is not a 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.50,000/- (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.50,000/- (Rupees fifty 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.50,000/- (Rupees fifty 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., until further orders.



[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/-
24/06/2022

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 STATION HOUSE OFFICER,
LAWSPET POLICE STATION,
PUDUCHERRY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 THE ARIGNAR ANNA MEMORIAL
CANCER HOSPITAL & RESEARCH INSTITUTE,
KANCHEEPURAM.

+2 CC to M/S.D.SENTHIL KUMAR Advocate on payment of necessary charges SR.NO.9967

CRL OP.14576/2022

Date :24/06/2022

JPA 27/06/2022