



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM

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

CrI.O.P.No.15090 of 2022

Anbazhagan

..Petitioner

Vs.

State Rep. by
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 on the file of the Respondent Police.

For Petitioner : Mr.D.Irusappan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.04.2022 for the offence punishable under Sections 8 (c) 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 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 the petitioner was in possession of 8 Kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 09.04.2022. He would further submit that the petitioner is ready to deposit an amount of Rs.50,000/- to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are five accused in which,



the petitioner is arrayed as A2. The petitioner was in possession of 8 Kgs of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, the quantity of the contraband possessed by the petitioner is not a commercial quantity and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, taking note of the fact that the petitioner is in judicial custody from 09.04.2022, 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 Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram and on such deposit, the petitioner is ordered to be released on bail on their 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 Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent Police daily Morning at 10.30 a.m. and Evening 05.00 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/-

01/07/2022

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 ARIGNAR ANNA MEMORIAL
CANCER HOSPITAL & RESEARCH INSTITUTE,
KANCHEEPURAM

3 STATION HOUSE OFFICER,
LAWSPET POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

+2 CC to M/S.D.IRUSAPPAN Advocate on payment of necessary
charges Sr.10492

CRL OP.15090/2022

Date :01/07/2022

RVR 01/07/2022