



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

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

CrI.OP.No.15120 of 2022

WEB COPY

Manikandan @ G.H.Mani

... Petitioner

Vs.

State rep by its
The Station House Officer,
Odiansalai Police Station,
Puducherry.
Crime No.80 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.80 of 2022 pending on the file of the respondent police.

For Petitioner : Mr.M.Machavatharan

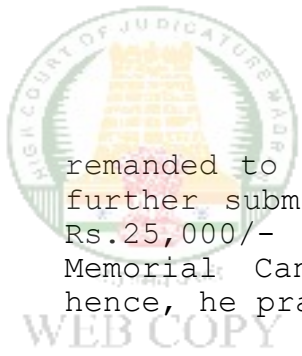
For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.05.2022 for the offence under Section 20(b)(ii)(B) r/w 8(c) of the Narcotic Drugs & Psychotropic Substances Act, 1958, in Crime No.80 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.05.2022, based on the secrete information, the respondent police went to the place of occurrence and found that the petitioner along with other accused were involved in selling of ganja to the general public. It is also alleged that the petitioner along with other accused were in possession of 1.154 Kg of Ganja and cash of Rs.50,000/-. 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 1.154 Kg of Ganja which is below the commercial quantity. He also submitted that the petitioner was arrested and



remanded to judicial custody on 03.05.2022. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.25,000/- (Rupees twenty five thousand only) to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and hence, he prays for grant of bail to the petitioner.

4.The learned Public Prosecutor (Pondy) would submit that totally there are two accused in which, the petitioner is arrayed as A2. The petitioner along with other accused was in possession of 1.154 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, the accused persons were in possession of 1.154 Kg of Ganja and a sum of Rs.50,000/- 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 from the date of his arrest viz., 03.05.2022, and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- (Rupees twenty five thousand only) to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five 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 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 Chief Judicial Magistrate, 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.25,000/- (Rupees twenty five thousand only) by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram.

[c] the petitioner stay at Sriperumbudur and report before the Inspector of Police, Sriperumbudur Town Police Station, daily twice at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter shall appear before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., for a period of four 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/-

30/06/2022

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
ODIANSALAI POLICE STATION,
PUDUCHERRY.

5 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR TOWN POLICE STATION,
SRIPERUMBUDUR.

6 THE OFFICER INCHARGE,
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL &
RESEARCH INSTITUTE, KANCHEEPURAM.

+1 CC to M/S.M.MACHAVATHARAN Advocate on payment of necessary charges SR.NO. 10412

CRL OP.15120/2022

Date :30/06/2022

RW-01/07/2022