



Crl.OP.No.21429 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21429 of 2022

Suriya @ Chennai Suriya

... Petitioner

Vs.

The State represented by its,
The Inspector of Police (Law & Order),
Ariyankuppam Cicle,
Thavalakuppam Police Station,
Puducherry.
(Crime No.39/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.39 of 2022 pending on the
file of the respondent Police herein.

For Petitioner : Mr.K.Madhan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.05.2022 for the offences punishable under Sections 8(c) of NDPS Act, 1985 and Section 77 of Juvenile Justice Act r/w Section 34 of IPC in Crime No.39 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.05.2022, on receipt of a specific information that five persons were selling dried Ganja leaves to juveniles, the respondent Police made an inspection and on seeing the Police, the accused tried to escape and they were caught and the Ganja weighing about 1.350 kilograms was seized in the seizure mahazar and confession statement were obtained from the accused and they were remanded to judicial custody. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the other accused in this case, who has been similarly placed as that of the petitioner has been granted bail by the learned



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Special Judge (III Additional Sessions Judge), Puducherry vide order dated 05.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Public Prosecutor (In-Charge), Puducherry appearing for the respondent would submit that the petitioner along with the other accused was found selling dried Ganja leaves to juveniles, for which a case in Crime No.39 of 2022 has been registered against the petitioner and other accused. He would also submit that the learned Special Court has granted bail to the co-accused in this case. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case that the co-accused in this case have been granted bail and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties [out of which, one surety should be blood related surety and should produce document to show his means and other surety shall be a Government Servant] for a like sum to the satisfaction of the **learned III Additional Special Judge under EC and NDPS Act, 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 appear and sign before the SHO, Karaikal Town Police Station, Karaikal, Puducherry on all working days at 10.30 a.m. without fail, until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[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 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



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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 abscond, a fresh FIR
can be registered under Section 229A IPC.

06.09.2022

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To

1. The III Additional Special Judge under EC and NDPS Act,
Puducherry
2. The Inspector of Police (Law & Order),
Ariyankuppam Circle,
Thavalakuppam Police Station,
Puducherry.
3. The SHO,
Karaikal Town Police Station,
Karaikal, Puducherry.
4. The Central Prison,
Kalapet, Puducherry.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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