



Crl.O.P.Nos.23070 & 23086 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

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

Crl.O.P.Nos.23070 & 23086 of 2022

Gopal @ Gopalakrishnan ... Petitioner in Crl.O.P.No.23070 of 2022

Jervis ... Petitioner in Crl.O.P.No.23086 of 2022

Vs.

The State represented by,
Station House Officer,
Bahour Police Station,
Puducherry.

Crime No: 102 of 2022 ... Respondent in both Crl.O.P.s'

Prayer in both Crl.O.P.s': Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners/accused on bail in Crime No.102 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Anandharaj

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



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COMMON ORDER

The petitioners, who were arrested on 08.08.2022 and remanded to judicial custody on 09.08.2022 for the offences punishable under Sections 20(b)(ii)(A) r/w 8(c) of NDPS Act, 1985, r/w Section 34 of IPC and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.102 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused were found in possession of 6.300 Kgms of Ganja and they were possessing the same with the intention to sale it to the students in the area. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and there is no previous case as against the petitioners. He would also submit that the petitioners are in custody from 08.08.2022. Therefore, he prays for grant of bail to the petitioners.



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4. The learned Public Prosecutor, Pondicherry appearing for the respondent would submit that the petitioners along with the other accused were found in illegal possession of 6.300 Kgs of Ganja. He would further reiterate that the petitioners have got no previous cases as against them. However, he vehemently opposed to grant bail to the petitioners.

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 and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-IV, Puducherry** and on further conditions that:



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[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 petitioners shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate-IV,
Puducherry.
2. Station House Officer,
Bahour Police Station,
Puducherry.
3. The Superintendent,
Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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