



WEB COPY



Crl.O.P.No.23228 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

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

Crl.O.P.No.23228 of 2022

Chinna @ Durai @ Chinnadurai

... Petitioner

Vs.

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

(Crime No.127 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.127 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.K.Gandhi Kumar

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



Crl.O.P.No.23228 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2022 for the offences punishable under Sections 20(b)(ii)(B) & 8(c) of NDPS Act r/w 34 IPC and 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.127 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.07.2022, on receipt of the secret information about selling Ganja to the juveniles school and college students, the respondent Police went to the scene of occurrence and on seeing police, the accused persons trying to escape from that place and immediately, the police caught hold of the accused persons and found that they were in possession of 1.158 kilograms of Ganja. Hence the Complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he stand near the first accused, he has been falsely implicated in this case. He would further submit



Crl.O.P.No.23228 of 2022

that the petitioner has been arrested and he in custody from 28.07.2022. He would also submit that the co-accused in this case has been granted with bail by this Court in Crl.O.P.No.22357 of 2022 dated 15.09.2022 and thereby, he prays for grant of bail to the petitioner.

4. Per contra, the learned Public Prosecutor, Puducherry appearing for the respondent would submit that the respondent police have found the petitioner and the other accused were in possession of 1.158 kilograms of Ganja and the respondent Police have arrested the accused and recovered the above said contraband from them. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor, Puducherry for the respondent and perused the materials available on record.



Crl.O.P.No.23228 of 2022

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the co-accused in this case has been granted with bail, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 III Additional District 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 report before the respondent police daily at 10.30 a.m. and 5.30 p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence



CrI.O.P.No.23228 of 2022

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 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.

23.09.2022

ham

To

1. The III Additional District Judge,
Puducherry.
2. The Station House Officer,
Lawspet Police Station,
Puducherry.
3. The Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23228 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.23228 of 2022

23.09.2022