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Crl.O.P.Nos.24402 & 24414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

Crl.O.P.Nos.24402 & 24414 of 2022

Agilan ... Petitioners in Crl.O.P.Nos.24402 of 2022

1. Nirojan

2. Vasanthakumar ... Petitioners in Crl.O.P.Nos.24414 of 2022

Vs.

The State represented by State Housing Officer,
Kalapet Police Station,
Pondicherry State.

(Crime No.78/2022). ... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail pending investigation in connection with the Crime No.78 of 2022 on the file of the respondent Police.



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In both Crl.O.Ps.

For Petitioners : Mr.M.Dinesh

For Respondent : Mr.V.Balamurugane
P.P.(Puducherry)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.09.2022 for the offences punishable under Sections 20(b)(ii) (B) r/w Section 8(c) of NDPS Act, Section 77 of JJ Act, in Crime No.78 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 1.140 kgs of Ganja which was intended to be sold to the students. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that on suspicion, the petitioners were arrested and the case has been foisted. He would further submit that A1 and A2 are residents of Puducherry and A3 is a Srilankhan refugee now settled at Srilankhan Refugee Camp, Villupuram District. He would also submit that there is no previous case pending against the petitioners and



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the petitioners are prepared to comply with any stringent condition imposed by this Court and he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found in possession of 1.140 kgs of Ganja which was intended to be sold to the students. He would further submit that A1 and A2 are vendors and A3 is a person who has financed A1 and A2 for purchasing of Ganja and there is no previous case pending against the petitioners. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.



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7. Accordingly, each of the petitioners are ordered to be released on bail on their 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 petitioners shall report before the repondent Police, daily at 10.30 a.m and 5.30 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



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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.

12.10.2022

vkf

To

1. The learned III Additional District Judge,
Puducherry.
2. The State Housing Officer,
Kalapet Police Station,
Pondicherry State.
3. The Central Prison,
Pondicherry.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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