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CrI.O.P.No.27149 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

CrI.O.P.No.27149 of 2022

Sivarajan @ Seenu

... Petitioner

Vs.

State represented by,
The Station House Officer,
Villianur Police Station,
Puducherry Distirct.

(Crime No.277 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.277
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.P.Yuvaraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.09.2022 for the alleged offences punishable under Sections 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 r/w Section 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act 2015 r/w Section 34 of IPC in Crime No.277 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 30.09.2022 at about 09.30 a.m., on receipt of a secret information about the illegal sale of Ganja, the Sub-Inspector of Police along with his team went to the place of occurrence, wherein, the petitioner along with three other accused were found in illegal possession of 1050 grams of Ganja and the respondent have seized the contraband under the cover of seizure mahazar and registered a case in Crime No.277 of 2022. Hence the case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner, aged about 19 years is an innocent person and he is in custody from 30.09.2022. He further submitted that the contraband involved in this case is an in-between quantity. He also submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.27105 of 2022 dated 15.11.2022 and hence, he prayed for grant of bail to the petitioner.

4. Learned Public Prosecutor (Puducherry) appearing for the respondent police submitted the petitioner, who is arrayed as A3, along with three other accused have illegally transported 1050 grams of Ganja. He further submitted that a case in similar nature is pending as against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that this Court may take into consideration the age of the petitioner and he further submitted that either the mother or father of the petitioner may stand as surety to the petitioner. Hence, he prays for grant of bail to the petitioner.

6. Heard learned counsel for the petitioner and the learned Public



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Prosecutor (Puducherry) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the quantity recovered from the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, 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



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respondent Police everyday at 10.30 a.m., 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 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.

17.11.2022

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To

1. The Judicial Magistrate No.III, Puducherry.
- 2.The Station House Officer,
Villianur Police Station,
Puducherry Distirct.
3. The Central Prison,
Kalapet, Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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