



Crl.O.P.No.27105 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

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

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Radhakrishnan @ Rocky

... 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.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was arrested on 30.09.2022. He would further submit that the contraband involved in this case is in-



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between quantity and the petitioner is aged about 19 years. Hence, he prays for grant of bail to the petitioner.

4.The Government Advocate (Crl.Side) appearing for the respondent police would submit the petitioner, who is arrayed as A4, along with three other accused have illegally transported 1050 grams of Ganja. He would further submit that the petitioner is a habitual offender against whom there is one previous case similar in nature pending against him. Hence, he opposed for grant of bail to the petitioner.

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

6. Heard the learned counsel and perused the materials available on record.



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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 fact that 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, in which, one surety should be either mother or father of the petitioner**, 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 respondent Police everyday at 10.30 a.m., until further orders;

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



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[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.

15.11.2022

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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.

A.D.JAGADISH CHANDIRA.,J.



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