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CrI.OP.No.27643 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

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

CrI.OP.No.27643 of 2022

Yogesh @ Yogarathinam

...Petitioner

Vs.

The State represented by
Station House Officer,
Villianur Police Station,
Crime No.277 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.277 of 2022 on the
file of the respondent police.

For Petitioner : Mr.Ashokkumar.D

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 30.09.2022 for the offences punishable under Sections
20(b)(ii)(B) read with 8(c) of NDPS Act and Section 77 of JJ Act, 2015



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read with 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 the petitioner was found in possession of 1050 grams of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the quantity of the contraband involved in this case is an intermediate quantity and he is under custody for the past 48 days. He would further submit that the petitioner is aged about 18 years and hence, prays for grant of bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent submitted that the petitioner was found in possession of 1050 grams of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel. Perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, 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.20,000/-** (Rupees Twenty thousand only) with **two sureties (one among the sureties shall be either father or mother of the petitioner)**, each for a like sum to the satisfaction of **learned Special Judge under NDPS Act, III Additional Sessions 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

16.11.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Special Judge under NDPS Act,
III Additional Sessions Judge,
Puducherry.
- 2.The Station House Officer,
Villianur Police Station.
- 3.Central Prison, Puducherry.
- 4.The Public Prosecutor,
High Court of Madras

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