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Crl.O.P.No.8545 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

Crl.O.P.No.8545 of 2023

Adhithyan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Orleanpet,
Puducherry.

Crime No.73 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending investigation in Crime
No.73 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Naresh Kumar
For Respondent : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
Assisted by, Mr.A.Alexander

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 23.03.2023 for the offences punishable under Sections 20(b)(ii)(B) r/w 8(C) of NDPS Act in Crime No.73 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found to be in illegal possession of 1400 grams of Ganja. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the contraband involved in this case is in-between quantity. He further submitted that the petitioner is in judicial custody from 23.03.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Public Prosecutor (Puducherry) appearing for the



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respondent police submitted that the petitioner along with other accused was found to be in illegal possession of 1400 grams of ganja, which is an intermediate quantity. He would further submit that there is no previous case pending against the petitioner. However, he opposed for granting bail to the petitioner.

6.In reply, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.15,000/- to any welfare scheme run by the Government and he is also ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

7.Heard the learned Counsel for the petitioner and the learned Public Prosecutor (Puducherry) and perused the materials available on record.

8.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of "The



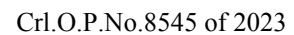
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Director, Jawaharlal Institute of Postgraduate Medical Education and Research (also known as JIPMER) Pondicherry", without prejudice to his rights and contentions before the trial Court.

9. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

10. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the petitioner has come forward to deposit an amount of Rs.15,000/- to the credit of the "The Director, Jawaharlal Institute of Postgraduate Medical Education and Research (also known as JIPMER) Pondicherry" and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail on



[e] On breach of any of the aforesaid conditions,
the learned Magistrate/Trial Court is entitled to take



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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.

20.04.2023

vkrr

To

1. The Special Judge (I Additional Sessions Judge)
Puducherry.
2. The Inspector of Police,
Orleanpet,
Puducherry.
3. The Central Prison, Kallapet.
4. The Public Prosecutor (Puducherry),
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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