



CrI.O.P.No.10927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.10927 of 2023

Kimudu Ramaraj

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Mettupalayam Circle Police Station,
Puducherry District.
(Cr.No.74 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.74 of 2021, on the file
of the respondent police.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.M.P.Ramachandramoorthy
Additional Public Prosecutor
(Pondicherry).



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2021, in connection with Crime No.74 of 2021, registered for the offence punishable under Sections 20 (b)(ii) (B) of NDPS Act r/w Section 8(c) of NDPS Act, 1985, seeks bail.

2.The case of the prosecution is that when the respondent police was on regular checkup, they found that the petitioner was in possession of 6 Kgs of ganja. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He submitted that the respondent police have seized intermediate quantity from the petitioner and that co-accused has been released on bail on 09.03.2022. He further submitted that the petitioner has been suffering incarceration from 28.08.2021, and that the trial has not commenced. Therefore, he prays for grant of bail to the petitioner.



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4.Learned Government Advocate (Crl.Side) submitted that the petitioner was found in illegal possession of 6 Kgs of Ganja. He submitted that intermediate quantity has been seized from the petitioner. He further submitted that charge sheet has been filed and taken on file in Spl.S.C.No.79 of 2021 and that trial has been commenced. Hence, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration that the co-accused has been released on bail and the period of incarceration undergone by the petitioner and the intermediate quantity seized from the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge (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



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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 daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

17.05.2023

Anu



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To

1. The Special Judge (III Additional Sessions Judge), Puducherry
2. The Inspector of Police,
Mettupalayam Circle Police Station,
Puducherry District.
3. The Central Prison,
Puducherry.
4. The Additional Public Prosecutor,
Pondicherry.



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A.A.NAKKIRAN,J.

Anu

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