



WEB COPY



CrI.O.P.No.11238 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.11238 of 2023

Arvind Kumar Sharma

... Petitioner

Vs.

The State Rep. By
The Station House Officer,
Villianur Police Station,
Puducherry.
(Cr.No.104 of 2023)
Respondent

...

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.104 of 2023, on the file
of the respondent police.

For Petitioner : Mr.E.V.Chandru @ E.Chandrasekara
For Respondent : Mr.M.V.Rama Chandra Moorthy
Public Prosecutor, Puducherry.



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.04.2023, in connection with Crime No.104 of 2023, registered for the offence punishable under Sections 20(b)(ii)B, 8(c) of the NDPS Act, 1985, Section 77 of JJ Act, 2015 and Section 34 of IPC, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 3.5 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 petitioner has been suffering incarceration for a period of 28 days. He further submitted that the respondent police have seized intermediate quantity from the petitioner. Therefore, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) submitted that the petitioner was found in illegal possession of 3.5 Kgs of Ganja. Hence, he



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vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case 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 District and Sessions Judge, Pondicherry, 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 once in a week 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;



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[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.

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Anu



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To

1. The District and Sessions Judge, Pondicherry
2. The Station House Officer,
Villianur Police Station,
Puducherry.
3. The Central Prison,
Puducherry.
4. The Public Prosecutor,
Puducherry.



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A.A.NAKKIRAN,J.

Anu

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