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Crl.O.P.No.14193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14193 of 2023

1.Kamala Kanta Dalai
2.Ramachandra Malik

...Petitioners

Vs.

The State Represented by S.H.O,
Sedarapet Police Station,
Puducherry.
(Crime No.21 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioners in Crime No.21 of 2023 on the file of the respondent police.

For Petitioners : Mr.P.Pugalenth

For Respondent : Mr.Leonard Aul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.04.2023 for the offences punishable under Sections 20(b)(ii)(B) r/w 8(c) of N.D.P.S Act and Section 77 of Juvenile Justice (Care and Protection of children) Act r/w 34 IPC in Crime No.21 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are charged for possession of 1kg 50 grams of Ganja. Petitioners are in judicial custody from 30.04.2023. There is no previous case against the petitioners. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioners are from Odisha. If they are released on bail, they will not appear for the trial. Therefore, he prays for dismissing this petition.

4. Considered the rival submissions and perused the records. It is seen from the first information report allegations that, petitioners are



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found in possession of 1 kg 50 grams of ganja in five small packets.

Petitioners are in judicial custody from 30.04.2023.

5. Considering the fact that petitioners are in judicial custody from 30.04.2023 and that there is no previous case against the petitioners and that the substantial part of the investigation should have been over by this time, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court No.IV, 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.



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[b] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

1.The Judicial Magistrate No.IV,
Puducherry

2.The Central Prison,
Kalapattu, Puducherry.

3.The S.H.O,
Sedarapet Police Station,
Puducherry.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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