



Crl.O.P.No.15102 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

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

Crl.O.P.No.15102 of 2023

Kirubakaran

...Petitioner

Vs.

The State Represented by
The Inspector of Police
Dhanvantri Nagar (D' Nagar) Police Station
Puducherry
(Crime No.104 of 2023)

...Respondent

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

For Petitioner : Mr.K.Sasindran

For Respondent : Mr.Ramachandra Murthy
Additional Public Prosecutor
Assisted by Mr.Alex



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.05.2023 for the offences punishable under Sections 20(b)(ii)(B) of NDPS Act, 1985 read with 8 (c) of NDPS Act, 1985 and Section 77 of J.J. (Care and Protection of Children) Act, 2015, in Crime No.104 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner/A4 submitted that, petitioner has been falsely implicated in this case on the allegation of possessing of 1.135 Kgs. of Ganja along with other accused namely A1 to A3. Petitioner is in judicial custody from 25.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, A1 to A4 were found in joint possession of 1.135 Kgs. of Ganja in 21 nos. of small packets at about 17.45 hours on 24.05.2023 at Ganaprakasam Nagar Junction, 4th Cross, Old Saram, Puducherry. He further submitted that the petitioner along



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with other accused, used to sell Ganja to school and college students and on the basis of the confession of A1 to A4, A5 and A6 were added. The main accused/A1 has been granted bail by this Court in Crl.O.P.No.14318 of 2023 by order dated 27.06.2023. A5 and A6 are absconding.

4. Considering the nature of allegation and the fact that A1 has been granted bail by this Court and that the petitioner is in judicial custody from 25.05.2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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

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

[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.

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To

- 1.The Special Judge (III Additional Sessions Judge), Puducherry
- 2.The Central Prison,
Kalapet, Puducherry
- 3.The Inspector of Police
Dhanvantri Nagar (D' Nagar) Police Station
Puducherry
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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