



Crl.O.P.No.17838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17838 of 2023

Karthik

... Petitioner

Vs.

The State represented by
The Station House Officer
Kirumampakkam Police Station
Through Special Public Prosecutor
Puducherry
(Crime No.56 of 2023)

... Respondent

This Criminal Original Petition is filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in connection with the case in Crime No.56 of 2023 on the file of the respondent police.

For Petitioner : M/s. S.Sengkodi
For Respondent : Mr.K.S.Mohan Doss
Public Prosecutor (Puducherry)



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ORDER

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This Criminal Original Petition is filed praying to enlarge the petitioner on bail in connection with the case in Crime No.56 of 2023 on the file of the respondent police.

2. It is the submission of the learned counsel for the petitioner that the petitioner is falsely implicated in Crime No.56 of 2023 registered for the offences under Sections 20(b)(ii)(A) read with 8(c) of NDPS Act of 1985 read with 34 of IPC and 77 of Juvenile Justice (Care and Protection of Children) Act, 2015. Petitioner is an MBBS student studying final year. He is in judicial custody from 05.07.2023. He has ensuing examinations. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that on 05.07.2023, on secret information, at about 11.45 hours, the respondent police mounted surveillance at the backyard of Melting Mouth Coffee shop, Pinnatchikuppam Road, Bahume Commune, Puducherry and found three persons under suspicious circumstances. They are



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1) Kutraleeswaran 2) Ragu @ Ravikumar 3) Karthik. When enquired, they admitted having possession of dried ganja leaves and selling to the general public, school and college students. After following necessary procedures, search was conducted in the presence of SP (South) Thiru.N.Ravikumar and 21 pockets of dried ganja leaves and a sum of Rs.21,200/- were recovered from accused Kutraleeswaran. The total ganja weighed 1.35Kg. 20 pockets had 50 grams of ganja each and one pocket had 35 grams of ganja. Sampling was done and then, cellphone of the accused were recovered and the case was registered. Petitioner has no previous case pending against him.

4. Considered the rival submissions and perused the records.

5. It is submitted that it is a first case against the petitioner under NDPS Act and he is an MBBS student and he is in judicial custody from 05.07.2023 and ganja has been recovered from accused Kutraleeswaran and not from this petitioner, though it is claimed that all the accused sold ganja. Substantial part of investigation might have been completed by this



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time. In the said circumstances, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, petitioner is ordered to be released on bail on 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.

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

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

[d] Petitioner shall not tamper with evidence or witness either during investigation or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. Learned counsel for the petitioner submitted the petitioner has theory examinations from 29.08.2023 to 07.09.2023. Therefore, the above observations concern is not to be insisted from 26.08.2023 to 08.09.2023.

8. With the above conditions, this Criminal Original Petition is allowed.

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

1. The Special Judge (III Additional Sessions Judge),
Puducherry.
2. The Station House Officer
Kirumampakkam Police Station
Puducherry
Crime No.56 of 2023
3. The Jail Superintendent
Central Prison
Kalapet, Puducherry.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.CHANDRASEKHARAN,J.

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