



Crl.OP.No.19896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

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

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Subash Chandra Bose

..Petitioner

Vs.

The State represented by
the Station House Officer,
Sedarapet Police Station,
Puducherry District.
(Cr.No.33 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail in Crime No.33 of 2023 on the
file of the respondent Police.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.M.V.Ramachandramoorthy
Additional Public Prosecutor
(Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.07.2023 for the offences punishable under Section 20 (b) (ii) (B) of



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NDPS Act, 1985 r/w 8 (c) of NDPS Act, 1985 and Section 77 of J.J Act 2015 r/w 34 of I.P.C. in Crime No.33 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated as accused in Crime No.33 of 2023 for the offences under Section 20 (b) (ii) (B) of NDPS Act, 1985 r/w 8 (c) of NDPS Act, 1985 and Section 77 of J.J Act 2015 r/w 34 of I.P.C. Petitioner is in judicial custody from 06.07.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that on secret information received, defacto-complainant along with Police party mounted surveillance on 06.07.2023, near JBA Company, Vahuthavur Road, Thuthipet, Puducherry. At about 11.50 hours, they found A1 and A2 under suspicious circumstances. After following necessary procedure, a search was conducted and Ganja weighing 3.540kg in two bundles each weighing 2.180 kg and 1.360kg



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respectively, were recovered. Petitioner is second accused in this case.

4.Considered the rival submissions and perused the records.

5.Considering the fact that Ganja had been recovered, that material part of the investigation in this case is completed and that petitioner is in judicial custody from 06.07.2023, this Court is inclined to grant bail to the petitioner.

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 III Additional District 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] the petitioner without prejudice to his defence shall deposit a non-refundable sum of



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Rs.10,000/-, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009. Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.00.a.m., until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The III Additional District Judge
Puducherry.
- 2.The Station House Officer,
Sedarapet Police Station,
Puducherry District.
- 3.Central Prison, Puducherry.
- 4.The Public Prosecutor,
High Court of Madras



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