



Crl.O.P.No.20367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

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

Crl.O.P.No.20367 of 2023

Romy @ Remo

...Petitioner

Vs.

State Rep by
The Station House Officer,
Orleanpet Police Station,
Puducherry.
Crime No.180 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.180 of 2023 on the file of the respondent police station namely the Station House Officer, Orleanpet Police Station, Pondicherry.

For Petitioner : Mr.R.Anbarasan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2023 for the offence punishable under Sections 20(b)(ii)(B) r/w 8(c) of the NDPS Act and Section 34 of IPC in Crime No.180 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 20(b)(ii)(B) r/w 8(c) of the NDPS Act and Section 34 of IPC in Crime No.180 of 2023. Petitioner is in judicial custody from 27.07.2023. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor (Puducherry) submitted that, on 26.07.2023 08.10 hours, on a reliable information, defacto complainant mounted surveillance near New Bus stand, Puducherry near eastern side toilet and found a group of male persons, under suspicious circumstances. On seeing the police party, they tried to escape. However, police secured five persons namely Aravind @ Chinna



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Aravind, Sureshkumar, Romy @ Remo, Sasikumar @ Bheam , Sueshkumar @ Padji. The investigation revealed that, 1st accused procured three kgs of ganja from unknown persons at Visakapattinam with an intention to sell. The accused were found in possession of 25 small polythene packets each, each containing 10 grams of ganja. A total of 1150 grams of ganja was recovered from the accused. There are totally 14 accused in this case. Remaining ganja was with the other accused, each accused having 25 packets of ganja, weighing 10 grams each. They are not yet arrested. This is the 1st case registered against the petitioner under NDPS Act. However, he seeks for dismissal of this petition.

4. Considered the submissions and perused the records.

5. Considering the fact that the ganja seized from the petitioner is a small quantity and that petitioner is in judicial custody from 27.07.2023 and that the material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five



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Thousand only) with **two sureties**, each for a like sum to the satisfaction of the Special Judge (III-Additional Sessions Judge) at 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 daily morning 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



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can be registered under Section 229A IPC.

07.09.2023

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To

- 1.The Special Judge (III-Additional Sessions Judge), Pondicherry.
- 2.The Station House Officer,
Orleanpet Police Station,
Puducherry.
- 3.The Central Prison,
Pondicherry.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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