



Crl.O.P.No.21104 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

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

Crl.O.P.No.21104 of 2023

Kumar

...Petitioner

Vs.

State Represented by S.H.O.,
Mettupalayam Police Station,
Through Special Public Prosecutor,
Puducherry.
Crime No.125 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail pending investigation in Crime No.125 of 2023 on the file of the respondent.

For Petitioner : Mr.A.Murugananthan

For Respondent : Mr.K.S.Mohandoss,
Public Prosecutor (Puducherry)
Assisted by N.Dhanalatchumy



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.07.2023 for the offence punishable under Sections 20(b)(ii)(B) of NDPS Act, 1985 r/w 8(c) of NDPS Act, 1985 and Section 77 of J.J.Act 2015 and Section 25(1)(B)(a) of Arms Act 1959 in Crime No.125 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) of NDPS Act, 1985 r/w 8(c) of NDPS Act, 1985 and Section 77 of J.J.Act 2015 and Section 25(1)(B)(a) of Arms Act 1959 in Crime No.125 of 2023. Petitioner is in judicial custody from 16.07.2023. He further submitted that, co-accused in this case was granted bail by this Court. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Public Prosecutor (Puducherry) opposes



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this petition, on the ground that, on 15.07.2023 at about 19.30 hours , the defacto complainant received a secret information that, four persons were selling narcotic drugs near Sumangala Steel Company, Poothurai Road, Puducherry. Defacto complainant visited the spot with police party and independent witnesses. They found the accused one Kumar, Mugesh, Sunil and Ajay. After following necessary procedure, a search was conducted. A country made gun was recovered from the petitioner. Ganja was found in possession of the accused Kumar. Ganja weighing 3.280 kgs and following objects were seized from the accused, 1) Cannabis Sativa (Ganja), 2). Empty polythene cover- 100 Nos, 3). Country made gun -1, 4). Black colour R15 motor cycle bearing| Reg.No.PY-05-P-0772, 5) Orange colour Oppo mobile phone (Mukesh), 6).Blue colour VIVO mobile phone (Ajay), 7) Black colour Oppo mobile phone (Kumar) and 8) Black colour Itel key pad mobile phone (Sunil). Thus, he seeks for dismissal of this petition.

4. Considered the submissions and perused the records.



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4.1. Considering the fact that the accused were found with 3.280 kgs of ganja, that ganja was recovered, that petitioner is in judicial custody from 16.07.2023 and that material part of the investigation might have been over by this time and also considering that, co-accused had been granted bail by this Court, this Court is inclined to grant bail to the petitioner.

5. Accordingly, petitioner is ordered to be released on bail on their 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 Judicial Magistrate 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.

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



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[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.

13.09.2023

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To

1.Judicial Magistrate No.IV, Puducherry.

2.The S.H.O.,
Mettupalayam Police Station,
Through Special Public Prosecutor,
Puducherry.

3.Central Prison, Puducherry.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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