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Crl.O.P.No.21953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21953 of 2023

Aravind @ Veeramani

...Petitioner

Vs.

The State Rep by
The Station House Officer,
Reddiarpalayam Police Station,
Puducherry District.
Crime No.138 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.138 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.M.P.Yuvaraj

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 17.08.2023 for the offences punishable under Section 20(b)(ii)(B) of NDPS Act r/w 8(c) of NDPS Act and Section 77 of Juvenile Justice Act 2015 in Crime No.138 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.138 of 2023 for the offences under Section 20(b)(ii)(B) of NDPS Act r/w 8(c) of NDPS Act and Section 77 of Juvenile Justice Act 2015. Petitioner is in judicial custody from 17.08.2023. Thus, he seeks bail.

3. In response, the learned Additional Public Prosecutor submitted that, on 10.07.2023, on the basis of secret information received that two persons are selling banned narcotic drugs to youth at John Kumar Nagar, Oulgaret, Puducherry, defacto complainant conducted a surprise check at 19.25 hours and noticed two persons standing in a suspicious manner. On seeing the police, they tried to escape. However, they were



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apprehended and it was found that, they are one Aravind @ Veeramani and Dinesh. After following necessary procedure, a search was conducted. Aravind @ Veeramani was found in possession of ganja kept in small polythene packets. Ganja and material objects were seized from the accused. He further submitted that, petitioner has three previous case registered against him in Crime No.620 of 2022, 825 of 2021 and 132 of 2021. Thus, he opposed this petition.

4.Considered the rival submissions and perused the records.

5. It is seen from the submission that, ganja had been recovered. Though petitioner had three previous cases pending against him, this is the 1st case registered against him under NDPS Act. Substantial part of the investigation might have been completed by this time. Considering all these facts, this Court is inclined to grant bail to the petitioner with conditions.

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



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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 **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 **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 his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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[c] the petitioner shall report before the respondent police 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 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.

25.09.2023

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G.CHANDRASEKHARAN. J.



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To

1.The III Additional District Judge, Puducherry

2.Central Prison,
Puducherry.

3.The Station House Officer,
Reddiarpalayam Police Station,
Puducherry District.

4.The Public Prosecutor,
High Court of Madras.

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