



Crl.O.P.No.22141 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

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

Crl.O.P.No.22141 of 2023

1.Aravind @ Chinna Aravind
2.Sureshkumar
3.Dhanush

...Petitioners

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 petitioners on bail in Crime No.180 of 2023 on the file of the respondent police.

For Petitioners : Mr.B.Jeyakumar

For Respondent : Mr.K.S.Mohan Doss
Public Prosecutor (Puducherry)



Crl.O.P.No.22141 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.07.2023 for the offence punishable under Sections 20(b)(ii)(B) r/w 8(c) of the NDPS Act in Crime No.180 of 2023 on the file of the respondent police, seek bail.

2. Learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated as accused in a case registered for the offences punishable under Sections 20(b)(ii)(B) r/w 8(c) of the NDPS Act in Crime No.180 of 2023. Petitioners are in judicial custody from 26.07.2023. In the said circumstances, he seeks bail to the petitioners.

3. In response, learned Additional Public Prosecutor (Puducherry) submitted that, on 26.07.2023 at about 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,



Crl.O.P.No.22141 of 2023

they tried to escape. However, police secured five persons namely Aravind @ Chinna 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 petitioners 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 petitioners are small quantity and that petitioners are in judicial custody from 26.07.2023 and that the material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the



Crl.O.P.No.22141 of 2023

petitioners. Accordingly, petitioners are ordered to be released on bail on their executing a separate 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 -II, 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 petitioners without prejudice to their defence shall deposit a non-refundable sum of **Rs.10,000/-**, each 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 petitioners deposit the said amount, it would not



Crl.O.P.No.22141 of 2023

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

[c] the petitioners shall report before the respondent police daily morning at 10.30 a.m., until further orders.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

26.09.2023

gd



WEB COPY



Crl.O.P.No.22141 of 2023

To

1.The Judicial Magistrate -II, Puducherry.

2.The Station House Officer,
Orleanpet Police Station,
Puducherry.

3.The Central Prison,
Puducherry.

4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.22141 of 2023

G.CHANDRASEKHARAN. J.

gd

Crl.O.P.No.22141 of 2023



WEB COPY



Crl.O.P.No.22141 of 2023

26.09.2023