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CrI.OP.No.22433 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.OP.No.22433 of 2023

Dinesh
S/o.Rajasekaran.

...Petitioner/A2

Vs.

State rep. by
The Inspector of Police,
Reddiarpalayam Police Station,
Puducherry.
(Crime No.138 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.138 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Sanjay Balachandar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2023 for the offence punishable under Sections 20(b)(ii)(B) r/w 8(c) of NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act in Crime No.138 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1120 grams of Ganja. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A1 had been released on bail in CrI.O.P.No.21953 of 2023 on 25.09.2023. Hence, he seeks for grant of bail to the petitioner.



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4.The learned Government Advocate (CrI.Side) would submit that the petitioner was found in possession of Ganja. Hence, he opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

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 Special Judge (III Additional Sessions Judge) at 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 at 10.30.a.m., until further



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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 can be registered under Section 229A IPC.

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smv



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To

- 1.The Special Judge (III Additional Sessions Judge), Puducherry
- 2.The Central Prison,
Puducherry.
- 3.The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

Smv

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