



CrI.O.P.No.24712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

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

CrI.O.P.No.24712 of 2023

Muthukumaran @ Muthu

... Petitioner

Vs.

The State of Puducherry represented by
The Station House Officer,
Odiyan Salai Police Station,
Puducherry.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.179 of 2023 on the file
of the respondent.

For Petitioner : Mr.S.Pazhani Radja

For Respondent : Mr.K.S.Mohandoss,
Public Prosecutor, Puducherry



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.09.2023 for the offences punishable under Sections 20(b)(ii)(B) of NDPS Act r/w Section 8(c) of NDPS Act, 1985 in Crime No.179 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner was found in possession of 1040 grams of Ganja, which had been seized.

3.The learned Public Prosecutor for Union Territory of Puducherry, stated that there are five previous cases pending against the petitioner of similar nature, but however in all those cases bail had been granted. Insofar as this particular case is concerned, the quantity seized is only an intermittent quantity.

4.Taking all these factors into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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5. Accordingly, the petitioner is ordered to be released on bail on executing a separate 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) 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 appear before the respondent police daily 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].



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C.V.KARTHIKEYAN, J.

smv

[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

07.11.2023

smv

To

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

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