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CrI.O.P.No.24827 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.24827 of 2023

1. Barath Kumar
2. Sathishkumar
3. Selvakumar

.. Petitioners

Vs.

State Rep.by
Station House Officer,
Orleanpet Police Station,
Puducherry.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail pending investigation in Crime
No.180 of 2023 on the file of the Respondent Police.

For Petitioners : Mr.A.Anandharaj

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



CrI.O.P.No.24827 of 2023

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ORDER

The petitioners who were arrested and remanded to judicial custody on 13.09.2023 for the offence punishable under Section 20(b)(ii)(B) of NDPS Act r/w. Section 8(c) of NDPS Act in Crime No.180 of 2023 on the file of the respondent police, seek bail.

2.It is stated that the respondent police had arrested A1 and seized 1.150 Kgms of Ganja. It is also stated that based on the confession of A1, subsequently A2 and A3 had been arrested as further accused.

3.The learned counsel for the petitioners stated that these petitioners are A7, A8 and A11 and there has been no recovery from the petitioners herein and they have been arrayed as accused, in view of the confession statement of A1.

4.Taking all these factors into consideration and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their 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



CrI.O.P.No.24827 of 2023

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 shall report before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioners 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 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].

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

07.11.2023

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C.V.KARTHIKEYAN, J.

smv

To

1. The Judicial Magistrate Court No.II, Puducherry.
2. Station House Officer,
Orleanpet Police Station,
Puducherry.
3. The Central Prison, Puducherry.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.24827 of 2023

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