



CrI.OP.No.26201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

CrI.OP.No.26201 of 2023

Uthramoorthy

...Petitioner

Vs.

State represented by,
The Station House Officer,
Kirumampakkam Police Station,
Puducherry.
Crime No.113 of 2023.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in FIR in Crime No.113 of 2023
on the file of the respondent police.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor (Puducherry)
assisted by M/s.N.Dhanalatchumy



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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 14.10.2023 for the offence punishable under Sections 29(b)(ii)(A) r/w 8(c) of NDPS Act r/w 34 IPC and Section 77 of Juvenile Justice (Care and Protection of Children) Act in Crime No.113 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner had been remanded to custody on 14.10.2023. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3.It is stated that the respondent had taken into custody the 1st accused with 3 kgs of ganja. It is stated that the petitioner is closely associated with the 1st accused.



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4.In the counter affidavit filed, it is stated that the 1st accused distributed banned ganja leaves. It is stated that the petitioner is also one of those who distributed banned ganja leaves to the young children.

5.The learned counsel for the petitioner stated that the petitioner had been in custody for a considerable period of time and there is no previous case as against the petitioner.

6.In the counter affidavit, it is stated that there is one previous case pending against the petitioner in Crime No.866 of 2021 under Sections 294(b), 506(ii) IPC and 20B(ii) (a) of the NDPS Act at NT Police Station, Cuddalore, Tamil Nadu.

7.However, taking all the factors into consideration,, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



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Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate-IV, 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 should deposit a sum of **Rs.25,000/-** in favour of Medical Superintendent, **Indira Gandhi Government Hospital, Puducherry** for treatment of poor patients.

[c] the petitioner shall report before the respondent police everyday at **10.00 a.m., 2.00 p.m., and 5.00 p.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



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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.

27.11.2023

gd
To

1. The Judicial Magistrate-IV, Puducherry.
2. The Station House Officer,
Kirumampakkam Police Station,
Puducherry.
3. Central Prison,
Puducherry.
4. The Public Prosecutor,
Puducherry.



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C.V.KARTHIKEYAN, J.

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