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CrI.OP.No.26415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

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

CrI.OP.No.26415 of 2023

R.Manikandan

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Mettupalayam Police Station,
Puducherry.
Crime No.162 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.162 of 2023
on the file of the respondent police.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor (Puducherry)



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ORDER

The petitioner/A4, who was arrested and remanded to judicial custody on 15.09.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.162 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 15.09.2023. 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. The learned Public Prosecutor (Puducherry) stated that there are totally four accused and the petitioner is the 4th accused. He further stated that the respondent had taken the accused into custody on possession of 1 kg and 30 grams of ganja. There are previous cases as against the petitioner but not of similar nature but under Section 307 IPC and other



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IPC offences. Thus, he prays for dismissal of this petition.

4. The seized contraband is an intermediate quantity. Let the other issues relating to seizure and the person from whom the contraband had been seized to be examined during the course of trial.

5. Taking into consideration all the factors, 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 condition to execute 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 **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 shall report before the respondent police everyday at 10.00 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.

23.11.2023

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To

1. The Judicial Magistrate-IV, Puducherry.
2. The Inspector of Police,
Mettupalayam Police Station,
Puducherry.
3. Central Prison,
Kalapet, Puducherry.
4. The Public Prosecutor, Puducherry.



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C.V.KARTHIKEYAN, J.

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