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CrI.O.P.No.27103 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

CrI.OP.No.27103 of 2023

Vinoth Kumar

...Petitioner

Vs.

State rep. by the Inspector of Police,
Odiansalai Police Station,
Puducherry.
(Crime No.202 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.202 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Ajayakumar
For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor, Puducherry.

ORDER

The petitioner seeks bail in Crime No.202 of 2023 registered by the respondent Police for the offences under Sections 20(b) (ii) (B) r/w Section 8 (c) NDPS Act, 1985. The petitioner was remanded to judicial custody on 28.10.2023.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The petitioner's father is running a hotel in the name of L Ocean Hotel at Puducherry. It is stated that the petitioner was found in possession of 3.160 Kgs of Ganja, which is an intermediate quantity.

4. Taking all the factors into consideration and the fact that there are no previous cases of similar in nature pending against the petitioner and the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions.

5. 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 Chief Judicial Magistrate, 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



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ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.00 a.m., until further orders.

[c] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.50,000/-, by way of Demand Draft to the Medical Superintendent, Indira Gandhi Hospital, Puducherry for the treatment of the needy patients and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[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.



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[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 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.

07.12.2023

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To

1. The Chief Judicial Magistrate, Puducherry.

2.the Inspector of Police,
Odiansalai Police Station,
Puducherry.
(Crime No.202 of 2023)

3.The Central Prison, Puducherry.

4.The Public Prosecutor, Puducherry.



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C.V.KARTHIKEYAN, J.

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