



WEB COPY



Crl.O.P.No.27241 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

Crl.OP.No.27241 of 2023

Selvin Alis Selvakumar

...Petitioner

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
Kirumampakkam Police Station,
Puducherry.

...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.C.K.M.Appaji
For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor (Puducherry)

ORDER

The petitioner in Crime No.113 of 2023 registered by the respondent Police for the offences under Sections 20 (b)(ii) (A) r/w Section 8 (c) of the NDPS Act 1985 r/w 34 IPC and Section 77 of Juvenile Justice (Care and Protection of Children Act), 2015 seeks bail.

2.It is stated that the petitioner was found in possession of 3 Kgs of



CrI.O.P.No.27241 of 2023

ganja. There are totally 5 accused. The petitioner herein is A1. The main ground taken by the respondent is that the petitioner has previous cases against him particularly also under the NDPS Act.

3.The learned counsel for the petitioner stated that in two cases, he has been acquitted.

4.Taking all the factors into consideration and the period of incarceration, this Court is 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 **III Additional District 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.



WEB COPY



CrI.O.P.No.27241 of 2023

[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.25,000/-, 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.

[f] On breach of any of the aforesaid conditions, the



CrI.O.P.No.27241 of 2023

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.

sli

18.12.2023

To

1. The III Additional District Judge, Puducherry.
- 2.The Inspector of Police,
Kirumampakkam Police Station,
Puducherry.
- 3.Kalapet Central Prison, Puducherry.
- 4.The Public Prosecutor, Puducherry.

C.V.KARTHIKEYAN, J.



WEB COPY



Crl.O.P.No.27241 of 2023

sli

Crl.OP.No.27241 of 2023

18.12.2023