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CrI.O.P.No.28196 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

CrI.OP.No.28196 of 2023

Prakash

...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.K.Sasindran
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



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ganja. There are totally 5 accused. The petitioner herein is A5. There is no previous case against the petitioner herein.

3.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. Thus, he prayed for grant of bail to the petitioner.

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 **Special Judge (III Additional Sessions 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.



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

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18.12.2023

C.V.KARTHIKEYAN, J.



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To

1. The Special Judge (III Additional Sessions Judge),
Puducherry.
- 2.The Station House Officer,
Kirumampakkam Police Station,
Puducherry.
- 3.Central Prison, Kalapet, Puducherry.
- 4.The Public Prosecutor, Puducherry.

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