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CRL OP.No.29113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.12.2023

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.29113 of 2023

Aravind

... Petitioner

Vs

State Rep. by
The Station House Officer,
Muthialpet Police Station,
Puducherry.
Cr.No.138 of 2023

... Respondent

For Petitioner : Mr.Anbarasan

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor, Puducherry
Assisted by
Mr.A.Alexander

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-This Criminal Original Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.138 of 2023 on the file of the respondent police station namely the Station House Officer, Muthialpet Police Station, Pondicherry.



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ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 02.12.2023 for the offences punishable under Sections 8(c), 20(B) II A of NDPS Act, 1985 r/w Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.138 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 02.12.2023, upon receiving the information that some persons were standing at Old Distilleries Quarters Ground, Pappammal Koil Street, Vaithikuppam, Puducherry and selling narcotic drugs to the general public, the respondent police went to the location, and found that the petitioner along with other accused persons, were in illegal possession of 110 grams of banned ganja products. Hence, the case.



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3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner and he is no way connected with the said occurrence. Hence, he seeks bail.

4.The learned Public Prosecutor, Puducherry would submit that the petitioner along with other accused persons were found in illegal possession of 110 grams of ganja. However, no previous cases pending against the petitioner. Hence he objected to grant bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the quantity of contraband involved in the case and also considering the no previous case is pending against the petitioner, I am inclined to grant bail to the petitioner, subject to



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the following conditions:

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[a] 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-II, Pondicherry and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 A.M. for a period of one month.

[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
Anu/kas

TO

- 1.The Judicial Magistrate No.II,
Pondicherry.
- 2.The Superintendent,
Central Prison,
Pondicherry, Kalapet,
Pondicherry.
- 3.The Public Prosecutor,
Pondicherry.



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P. DHANABAL, J

Anu/kas

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