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CrI.O.P.No.540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

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

CrI.O.P.No.540 of 2024

Arivasagam

... Petitioner

Vs.

The State represented by
The Station House Officer,
Villianur Police Station,
Puducherry District.
Crime No.344 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.344 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor (Puducherry)
Assisted by Mrs.N.Danalatchumy

ORDER

The petitioner/A2 who was arrested and remanded to judicial
custody on 28.12.2023 for the offences registered under Sections



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20(b)(ii)(A), 8(c) of NDPS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.344 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner/A2 was found in illegal possession of 28 grams of Ganja and A1 was found in possession of 350 grams of Ganja.

3.Taking all the factors into consideration and the period of incarceration and the quantity of contraband seized in this case, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 Judicial Magistrate No.III, 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 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



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[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.

18.01.2024

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To

1.The Judicial Magistrate No.III, Puducherry.

2.The Central Prison, Kalapet, Puducherry.

3.The Station House Officer,
Villianur Police Station,
Puducherry District.

4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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