



Crl.O.P.No.5210 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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

Crl.O.P.No.5210 of 2024

R.Diwagar

...Petitioner/Accused-1

Vs.

The State, through
The Station House Officer,
Ariyankuppam Police Station,
Puducherry.

(Crime No.26 of 2024)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.26 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.B.Divakaran

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)



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ORDER

The petitioner/A1 in Crime No.26 of 2024, registered by the respondent police for the offences under Sections 8(c), 20(b)(ii)(A) of NDPS Act r/w Section 77 of JJ Act, 2015, and Section 34 of IPC, seeks bail.

2.It is stated that the petitioner had been remanded to judicial custody on 21.02.2024 with possession of 85 grams of ganja.

3.The learned Public Prosecutor, Union Territory of Puducherry, stated that the petitioner was selling ganja for the students and the petitioner himself is a final year student studying B.Tech Mechanical Engineering in Manakula Vinayagar Institute of Technology at Puducherry.

4.Taking all the factors into consideration, 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



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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 III, Puducherry, and on further conditions that:

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[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 learned Judicial Magistrate III, Puducherry, may inform the Principal, Manakula Vinayagar Institute of Technology, where the petitioner, R.Diwagar, S/o. Rajamanickam, No.31, 5th Cross Street, Aravindar Nagar, Murungapakkam, Mudaliarpet, Puducherry – 605 004, is the final year student of B.Tech Mechanical Engineering in Manakula Vinayagar Institute of Technology, Puducherry, that he is an accused in Crime No.26 of 2024, registered under Sections 8(c), 20(b)(ii)(A) of NDPS Act r/w Section 77 of JJ Act, 2015, and Section 34 of IPC. The said information may be recorded in the College Register of the petitioner and also recorded in the certificates issued to the petitioner.

[d] the petitioner shall not abscond either during investigation or



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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 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.

13.03.2024

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C.V.KARTHIKEYAN. J.

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1. The Judicial Magistrate III, Puducherry.
2. The Central Jail, Pondicherry.
3. The Station House Officer,
Ariyankuppam Police Station,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.

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