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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.7159 of 2024

Ilamparithy

... Petitioner

Vs.

State Rep by.
The Sub Inspector of Police
Thavalakuppam Police station,
Puducherry. Crime No. 23 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner in the above crime No. 23 of 2024, on the
file of the respondent.

For Petitioner : Mr.G.Ezhilbalaji
For Respondent : Mr.M.V.Ramachandramurthy
Additional Public prosecutor
(Ponducherry) assisted by Ms.
M.Thamizhmani



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **28.02.2024** for the alleged offences punishable under Sections **and 77 of Juvenila Justice (Care and Protection of Children) Act, 34 of IPC, 20 (B)(II)(A) of NDPS Act , 8 (c) of NDPS Act of 1985 in crime No. 23 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioners along with other accused persons were in alleged illegal possession of 250 grams of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that the 250 grams of Ganja seized from the accused persons.

4. Considering the period of incarceration undergone by the petitioner and also there is no previous case pending against the petitioner. Hence, this Court is inclined to grant bail to the petitioner.



5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Special Judge, (Under NDPS Act), 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 daily at 10.30 a.m., for a period of two months. Further, the petitioner is directed to deposit a sum of Rs.15,000/- each to the credit of registered Advocate Clerk Association, Puducherry, within a period of two weeks from the date of receipt of a copy of this order and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.04.2024

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T.V.THAMILSELVI,J.

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To

1. The Special Judge, (Under NDPS Act), Puducherry.
2. The Sub Inspector of Police, Thavalakuppam Police Station, Puducherry.
3. The Central Prison, Puducherry.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.7159 of 2024

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