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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.6733 of 2024

1.Sunil
2.Susitharan

... Petitioners

Vs.

State Rep by.
The Station House Officer,
Thavalakuppam P.S. (Crime No. 23 of 2024)
Through Public Prosecutor
Puducherry.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with crime No. 23 of
2024, pending on the file of the respondent police.

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on **28.02.2024** for the alleged offences punishable under Sections **20 (b)(ii)(A) of NDPS Act r/w 8 (c) of NDPS Act of 1985 and 77 of JJ Act r/w 34 IPC, 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 have 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 petitioners and also there is no previous case pending against the petitioners. Hence, this Court is inclined to grant bail to the petitioners.



5. Accordingly, the petitioners are 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 Judicial Magistrate - I, 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two months. Further, the petitioners are 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 petitioners shall not abscond either



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during investigation or trial;

[d] the petitioners 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.

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T.V.THAMILSELVI,J.

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To

1. The Judicial Magistrate - I, Puducherry.
2. The Station House officer, Thavalakuppam P.S. Puducherry.
3. The Central Prison, Puducherry.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.6733 of 2024

08.04.2024