



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

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

CrI.O.P.No.8931 of 2024

Arul @ Anbuseizhiyan

... Petitioner

Vs.

State Rep by.
The station House Officer,
Thirubuvanai P.S, Puducherry
Crime No. 3 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with crime No. 3 of 2024 on the file of the respondent police.

For Petitioner : Mr.Ravi O
For Respondent : Mr.Mohandoss
Public Prosecutor (Pondicherry)

ORDER



WEB COPY

The petitioner, who was arrested and remanded to judicial custody on **08.01.2024** for the alleged offences punishable under Sections **20(b)(ii)(B) r/w 8 (c) of NDPS Act 1985 & Section 77 of Juvenile Act 2015 in crime No.03 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with illegal possession of 120 grams of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner is jail for past three months and other accused persons have been released on bail. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that respondent police found the accused persons with illegal possession of 120 grams of Ganja. Further, he submitted that co-accused has been released on bail. However, he raised objection to grant bail.

5. Considering the facts of the case, the petitioner is in jail for



WEB COPY

more than three months and co-accused have been released on bail. Further, the contraband seized from the accused persons was intermediate quantity. Hence, this Court is inclined to grant bail to the petitioner.

6. 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) (III Additional Sessions Judge),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 on every Saturday at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of **Rs.10,000/-** to the **Madras High Court Advocate Clerks Welfare Association, Chennai**, within a period of two weeks from the date of copy of a



receipt of this order;

[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.

12.04.2024

pbl



WEB COPY



T.V.THAMILSELVI,J.

pbl

To

1. The **Special Judge(Under NDPS Act) (III Additional Sessions Judge),Puducherry.**

2. The station House Officer,
Thirubuvanai P.S, Puducherry.

3. The Central Prison, Puducherry.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.8931 of 2024

12.04.2024