



Crl.OP.No.12383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.OP.No.12383 of 2024

Mathesh @ Matheshwaran

..Petitioner/A1

Vs.

State rep.by,
The Inspector of Police,
Thirubuvanai Police Station,
Puducherry.
(Crime No.45 of 2024)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.45 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.Ramachandramoorthy,
Public Prosecutor, Puducherry.



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ORDER

The petitioner was arrested and remanded to judicial custody on 24.03.2024 for the offences punishable under **Sections 20(b)(II)(A), 77 and 8(C) of NDPS Act in Crime No.45 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner along with other accused was found in possession of 70 grams of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that second accused was released on bail vide an order dated 30.04.2024 in CrI.M.P.No.2111 of 2024 by the learned Principal District Judge, Puducherry. Hence, he prays for grant of bail to the petitioner.

4. The learned Public Prosecutor, Puducherry appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner along with other accused was found in possession of 70 grams of Ganja. He would submit that charge sheet has



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been filed on 22.04.2024 and that the second accused who was released on bail has jumped the bail conditions and repeatedly absconding.

5. Considering the above facts and circumstances of the case and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only), to the credit of the Crime No.45 of 2024** and on such deposit 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, out of which, one surety must be a blood surety to ensure that the petitioner will co-operate with the respondent, each for a like sum to the satisfaction of the learned Judicial Magistrate-IV, 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

23.05.2024

smv



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To

- 1.The Inspector of Police,
Thirubuvanai Police Station,
Puducherry.
- 2.The Judicial Magistrate – IV, Puducherry.
- 3.The Central Prison,
Puducherry.
- 4.The Public Prosecutor,
High Court of Madras



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C.SARAVANAN, J.

smv

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