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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

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

CrI.O.P.No.16256 of 2024

Jaykrushna Jena

... Petitioner

Vs.

State Rep by.
The Station House officer,
Thirubuvanai Police Station.
Crime No. 91 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No.91 of 2024 on the file of
the respondent police.

For Petitioner : Mr.B.Sumithra

For Respondent : Mr.M.V.Ramachandra Murthy
Additional Public
Prosecutor(Pondicherry)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **25.05.2024** for the alleged offences punishable under Sections **20 (b)(ii)(A) & 8 (c) of NDPS Act, 1985 and Section 24(1) & 6(b) of Cigarettes and other Tobacco Products Act, 2003 read with Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015** in crime **No. 91 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused person with possession 42 grams of Ganja and 5 kgs of banned Tobacco products. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the petitioner is hailing from Orissa. Hence, he raised objection to grant bail.



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5. Considering the facts and circumstances of the case and also the period of incarceration undergone by the petitioner and also the contraband recovered from this petitioner is 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 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;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further



orders. Further, the petitioner shall deposit a sum of Rs.15,000/- to the credit of the credit of registered Advocate Clerk's Welfare Association, Pondicherry.

[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.

10.07.2024

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T.V.THAMILSELVI,J.



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To

1. The **Judicial Magistrate IV, Puducherry.**

2. The Station House officer,
Thirubuvanai Police Station.

3. The Kalpet Central Jail, Puducherry.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.16256 of 2024

10.07.2024