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CRL O.P. No.20847 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20847 of 2024

Sokarram,
S/o.Murugaiyan

... Petitioner

Vs

State rep. by:-

The Station House Officer,
Thavalakuppam P.S through
Public Prosecutor
[Cr.No.106 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.106 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Sasindran

For Respondent : Mr.R.S.Mohandas
Public Prosecutor (Puducherry)
assisted by
Mrs.Danalatchumy



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.07.2024 for the offences punishable under sections 20(b)(ii)(A) r/w.8 (c) of NDPS Act of 1985 and Section.77 of Juvenile Justice (Care and Protection of Children) Act, 2015 r/w.3(5) of BNS in Crime No.106 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secrete information, the respondent police went to the spot and found that this petitioner along with other accused persons sold the banned ganja products to the school and college students for money. The respondent police has arrested the accused persons and seized the 210grams of ganja from the accused persons. Hence, the complaint.

3. The learned counsel for the petitioner would contend that totally there are three accused, this petitioner was arrayed as 3rd accused. Based on the confession statement of A1 and A2, this petitioner was included as



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3rd accused. There is no previous case as against the petitioner. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that based on the secrete information, the respondent police went to the spot and found that this petitioner along with other accused persons sold the banned ganja products to the school and college students for money. The respondent police was arrested the accused persons and seized the 210 grams of ganja from the accused persons. In this case, there are totally three accused. This petitioner was arrayed as 3rd accused. There is no previous case as against this petitioner. This petitioner was arrested and remanded to judicial custody on 15.07.2024. However, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the rival submissions on either side and considering the fact that the quantity of contraband involved in this case is not a commercial quantity, there is no previous case against this petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Puducherry** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00a.m until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;



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[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Judicial Magistrate No.1, Puducherry.
2. The Station House Officer,
Thavalakuppam P.S
3. Central Prison, Kalapet, Puducherry.
- 4.The Public Prosecutor (Puducherry),
High Court, Madras.



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P.DHANABAL,J
gvn

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