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CRL O.P. No.24310 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24310 of 2024

Sharukhan

... Petitioner / A2

Vs

State rep. by
Station House Officer,
Mudaliarpet Police Station,
Puducherry.
(Crime No.212 of 2023)

... Respondent

PRAAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.212 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor, Puducherry.
Assisted by Mrs.N.Danalatchumy



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ORDER

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The petitioner/A2, who was arrested and remanded to judicial custody on 26.11.2023, for the offences punishable under Section 20(b)(ii)(C) r/w Section 8(c) of NDPS Act, in Crime No.212 of 2023, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the petitioner along with other accused were found in illegal possession of 45.100 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that there are no previous case pending as against the petitioner. He would further submit that the co-accused / A4 and A5 have been released on bail by the Hon'ble Supreme Court. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner and other accused were found in illegal possession of 45.100 kgs of Ganja. He would further submit that there are totally eight accused in this case and A1 is the prime accused, who is still absconding and an absconding charge sheet has been filed against him and decision was also taken to segregate the trial. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offence and already investigation was completed and charge sheet was filed and that there is no previous case pending against the petitioner and already the co-accused for the same overt act was also released on bail by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.4232 of 2024 dated 22.10.2024 and also considering the period of incarceration undergone by the petitioner from 26.11.2023, this Court is inclined to grant bail to the petitioner



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subject to the following conditions:

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[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 ***III Additional District Court (Special Judge under NDPS Act), Puducherry***, and on further conditions that;

[b] the Petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.m., until further orders;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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]; and

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

24.10.2024

smv

To

- 1.The Special Judge under NDPS Act,
III Additional District Court, Puducherry
- 2.The Central Prison, Puducherry.
- 3.The Station House Officer,
Mudaliarpur Police Station,
Puducherry.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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