



WEB COPY



CRL O.P. No.28898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.28898 of 2024

Alex S/o. Rajendhiran

... Petitioner / Accused-8

Vs

State rep. by:-

The Station House Officer,
Mudaliarpet Police Station,
Puducherry.
[Cr. No.212 of 2023]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused-2 in Cr. No.212 of 2023 on the file of the respondent police.

For Petitioner : Mr. D. Krishnamoorthy

For Respondent : Mr. M.V. Ramachandramoorthy,
Additional Public Prosecutor,
Assisted by Mr. Tamilmani
Government Advocate
[Puducherry].



WEB COPY



CRL O.P. No.28898 of 2024

ORDER

The petitioner / Accused-8 who was arrested and remanded to judicial custody on 10.04.2024 for the offences punishable under Sections 20(b)(II)C and 8(c) of Narcotics Drugs and Psychotropic Substances Act in Cr. No.212 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused sold banned ganja products to the general public for personal gain. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Section 20(b)(II)C and 8(c) of Narcotics Drugs and Psychotropic Substances Act. The petitioner is an innocent and he is nothing to do with the alleged offences. He is in judicial custody from 10.04.2024. This petitioner has been arrayed as an accused in this case, only based on the confession statement of the co-accused



CRL O.P. No.28898 of 2024

and the co-accused were granted bail. The earlier bail application filed by the petitioner was dismissed and he is in judicial custody for more than 200 days. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that totally there are 8 accused in this case. This petitioner is arrayed as A8. This case was registered as against the petitioner and others for the illegal sale of Ganja to the children, students and young boys in and around Puducherry. Investigation was completed and charge sheet was also filed and the case is now pending at the stage of examination of witnesses. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side, considering the nature of offences, considering the fact that the entire contraband was recovered only from other accused and no contraband was recovered from this petitioner and even according to the prosecution,



CRL O.P. No.28898 of 2024

WEB COPY
this petitioner is arrayed as an accused based on the confession statement of the co-accused, though the prosecution has stated that the petitioner has 8 previous cases, all the cases are not of similar kind of cases and in all the other cases, he was granted bail and also considering the incarceration period of the petitioner from 10.04.2024, I am 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 **Principal Special Judge / III Additional Sessions Judge, 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 offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;



CRL O.P. No.28898 of 2024

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

[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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2024

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

5/7



CRL O.P. No.28898 of 2024

WEB COPY

To

- 1.The Principal Special Judge / III Additional Sessions Judge, Puducherry.
2. The Public Prosecutor, Puducherry.
3. The Public Prosecutor, Madras High Court, Chennai.
4. The Station House Officer, Mudaliarpur Police Station, Puducherry.
5. The Superintendent of Police, Central Prison, Puducherry.

P.DHANABAL,J
mjs



WEB COPY



CRL O.P. No.28898 of 2024

CRL O.P. No.28898 of 2024

20.12.2024