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CrI.O.P.No.29146 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.29146 of 2024

R.Manikandan

... Petitioner/A3

Vs.

The State,
Rep.by Station House Officer,
Villianur Police Station,
Puducherry.
(Crime No.296 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 296 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Sarathkumar

For Respondent : Mr.M.V.Ramachandranmoorthy
Additional Public Prosecutor (Puducherry)
Assisted by Mr.M.Thamizhmani
Government Advocate (Puducherry)

ORDER

The petitioner/A3 who was arrested and remanded to judicial custody



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on 22.10.2024, for the alleged offence punishable under Sections 20(b),(ii),(A), r/w. 8(c) of NDPS Act 77 of Juvinile Justice (CARE AND PROTECTION OF CHILDREN ACT,2015) in Crime No.296 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 sold banned ganja and 160 grams was seized. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submitted that the petitioner was arrested and he was in judicial custody from 22.10.2024 and he was ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused sold banned ganja and 160 grams was seized and the petitioner has no previous case and the co-accused had already been arrested and released on bail. However, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, and the petitioner has no previous case pending against him, and the contraband recovered from the petitioner is not a commercial quantity and also considering the period of incarceration undergone by the petitioner from 22.10.2024 and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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) each, with two sureties, for a like sum to the satisfaction of the learned Judicial



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Magistrate-III, Puducherry and on further conditions that:-

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

[b] 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;

[c] 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;

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

[e] 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]; and

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

20.11.2024

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To

- 1.The Judicial Magistrate-III,
Puducherry.
- 2.The Station House Officer,
Villianur Police Station,
Puducherry.
- 3.The Superintendent,
Central Prison, Puducherry.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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