



CrI.O.P.No.28123 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.28123 of 2023

Natarajan S/o. Palani

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Mettupalayam Police Station,
Puducherry.

(Crime No.161 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.161 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor, Puducherry.



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.09.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.161 of 2023, seeks bail.

2.It is stated that the petitioner was found in possession of 170 grams of Ganja, which had been seized.

3.The learned Public Prosecutor, Puducherry, appearing for the respondent, raised objection by stating that there are twenty two previous cases against the petitioner including eight cases under NDPS Act and five cases under the offence of robbery and three cases under the Arms Act.

4.But however, taking into consideration the period of incarceration suffered by the petitioner and the quantity of narcotic substance seized, I am inclined to grant bail to the petitioner subject to the following conditions:



5. 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-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 everyday at 161.30 a.m., until further orders.

[c] the respondent may endeavour to give some clinical physiological training to the petitioner, if it is found that he is addicted to Ganja, with consent of the petitioner, or his close relatives.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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



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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.

03.01.2024

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To

1. The Judicial Magistrate-IV, Puducherry
2. The Central Prison, Kalapet, Puducherry.
- 3.The Inspector of Police,
Mettupalayam Police Station,
Puducherry.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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