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CRL O.P. No.714 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.714 of 2025

Senthilkumar @ Senthil S/o. Janakiraman ... Petitioner / Accused-7
Vs

State rep. by:-

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

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

For Petitioner : Mr. G. Ezhilbalaji

For Respondent : Mr. S. Balaji
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-7, who was arrested and remanded to
judicial custody on 26.11.2023 for the offences punishable under Section



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20(b)(ii)(C) of NDPS Act, 1985 in Cr. No.212 of 2023 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that based on the secret information with regard to the illegal transport of Narcotic substance, the respondent police party went to the scene of occurrence near new bypass Road (100 feet Road), Mudaliarpur, Puducherry and found the 7 accused persons in a suspicious manner, who were selling Ganja to the general public and when they tried to escape, the police party caught 6 of the accused red handed. 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) of NDPS Act, 1985 and he was arrested and remanded to judicial custody on 26.11.2023. As per the prosecution, the petitioner along with other accused have indulged in selling of contraband and after seeing the police, they tried to escape. At that time, the police arrested the petitioner along with other accused. In fact, the petitioner is an innocent and he has not committed



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any offence as alleged by the prosecution. He has been falsely implicated in this case and he is in custody for the past 380 days and the co-accused 4 and 5 were granted bail by the Hon'ble Supreme Court vide order passed in Crl. O.P. No.4232 of 2024 and 4392 of 2024 dated 22.10.2024. A2 was granted bail by this court vide order passed in Crl. O.P. No.24310 of 2024 dated 24.10.2024. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused were found in illegal possession of 45 kgs of Ganja. A1 is still absconding. Now the case is pending before the III Additional District Court, Puducherry in Spl. S.c. No.6/2024 and posted for examination of witnesses. The petitioner has some previous cases. 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 by the learned counsels on either side, the nature of offences, investigation was completed and charge sheet was also filed, now the case is posted for



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examination of witnesses, already co-accused A5 and A6 were granted bail by the Hon'ble Supreme Court and A2 was granted bail by this Court, considering the incarceration period of the petitioner from 26.11.2023 , 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 **III Additional District Court, 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;



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[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 269 B.N.S.2023..



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

- 1.The III Additional District Court, Puducherry
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Station House Officer, Mudaliarpot Police Station, Puducherry.
4. The Superintendent of Police, Central Prison, Kalapet, Puducherry.

P.DHANABAL,J
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