



WEB COPY

CRL OP No. 17409 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17409 of 2025

Joseph Machelt

Petitioner

Vs

The State Rep By, Station House
Officer,
D.Nagar Police Station,
D.Nagar, Puducherry
Crime No.96/2025.

Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.
96 of 2025 on the file of the respondent.

For Petitioner: Mr.A.Kripakaran

For Respondent: Mr.L.Baskaran
Government Advocate (Crl.Side)



ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 08.05.2025, for the offences punishable under Sections 20(b)(ii)(B) r/w 8(c) of Narcotic Drugs & Psychotropic Substances Act, 1985, in connection with Crime No.96 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 940 grams of Ganja. Hence, the case.

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 further submitted that the petitioner is no way connected with the alleged offence, however, he is suffering incarceration from 08.05.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



WEB COPY

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the contraband was seized from the petitioner. Hence, he opposed for grant of bail to the petitioner.

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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate I, Puducherry**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



WEB COPY



[Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

WEB COPY

20-06-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To
WEB COPY

- 1.The State Rep By, Station House
Officer,
D.Nagar Police Station,
D.Nagar, Puducherry Crime
No.96/2025.
- 2.The Judicial Magistrate-I,
Puducherry.
- 3.The Superintendent
Central Prison, Puducherry.
- 4.The Public Prosecutor,
High Court of Madras, Madras



WEB COPY

CRL OP No. 17409 of 2025



M.NIRMAL KUMAR J.

gbi

**CRL OP No. 17409 of
2025**

20-06-2025