

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
CUDDALORE DISTRICT, CUDDALORE

Present: THIRU. S. UTHAMARAJ, B.A., B.L.,
Principal Sessions Judge,
(Full Additional Charge),
Cuddalore.

Thursday, the 21st day of March 2024

Crl. Misc. Petition No. 1968/2024

Sivakumar (A2), age 24, S/o. Sathiyamurthi >> Petitioner/Accused
.Vs.

S.H.O. Thirupapuliur P.S.
Cr.No. 84/2024 >> Respondent/Complainant

This petition is coming for hearing before me on this day in the presence of Thiru.P.Prabhumathu, Advocate for the petitioner and of Public Prosecutor for the respondent and this Court made the following

ORDER

Heard both sides.

This petition is filed U/s.439 of Cr.P.C, for seeking bail.

Prosecution case is that the FIR registered as against the Petitioner/Accused for the alleged offences punishable U/Ss.8(c), 22 (C) of Narcotic Drugs and Psychotropic Substances Act 1985 and 294(b), 506(i), 276 and 328 of IPC for the alleged occurrence took place on 12.03.2024 and the Petitioner/Accused was arrested and remanded on 12.03.2024.

The Learned Counsel for the Petitioner/Accused contended that the Petitioner/Accused is College student, property not recovered from him. The tablets are ordinary tablets, the co-Accused already having one tablet. He is ready to take De-addiction treatment because he is drug abuser. The investigation is almost completed. Hence, prays to allow the petition.

The Petitioner/Accused is in judicial custody for the past 10 days.

Per contra, the Learned Public Prosecutor objected on the ground that each accused having one previous case for the same type of offence. On the basis of Confession statement of A1, the other persons included as accused in this offence. A1 is the Distributor. Awaiting for Chemical Analysis report. If he is released on bail, he will commit the same type of offence, it is a net work offence, they are all College students. The investigation has not yet been completed. Hence, he strongly objected to grant Bail to the Petitioner/Accused.

During the course of submission, it is submitted by the Learned Counsel for the Petitioner/Accused that the Petitioner/Accused is a drug abuser. At this juncture, this Court views that the Petitioner/Accused may be ordered to be enlarged on bail with the following condition that undertaken given by the Parents that they will take steps for De-addition treatment. Considering the representations made by both sides and considering the facts and circumstances of the case, this court is inclined to grant bail to the Petitioner/Accused with the following conditions:

The Petitioner/Accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousands only) with two sureties each - **one surety is Parent of the Petitioner/Accused**, for the like-sum to the satisfaction of the **Learned Judicial Magistrate No.III, Cuddalore** and further they should appear before the **Respondent Police Station** daily at 10.30 A.M. **until further orders**. Further, conditions that

(i) The Parents of the Petitioner/Accused should give undertaken that they will take steps for De-addition treatment.

(ii) The Respondent Police should assist the Parents for De-addition treatment and report the same to the Concerned Court after treatment.

(iii) the Petitioner/Accused shall make himself available for interrogation by a police officer as and when required.

(iv) the Petitioners/Accused 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;

(v) the Petitioner/Accused shall not leave India without the previous permission of the Court.

(vi) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioner/Accused in accordance with law as if the conditions have been imposed and the Petitioner/Accused 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).

(iiv) If the Petitioner/Accused thereafter absconds, a fresh FIR can be registered Under Section 229A of IPC.

Accordingly, the petition is allowed.

Pronounced by me in Open Court, this the 21st day of March 2024.

Principal Sessions Judge,
(Full Additional Charge),
Cuddalore.

To : The Judicial Magistrate No. III, Cuddalore
Copy to : S.H.O. Thirupapuliur P.S.
The Superintendent, Central Prison, Cuddalore.

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Through
E-Mail only