

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10022 of 2021

Vennila

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
K-11, CMBT Police Station,
Chennai.
Crime No.37 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.37 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodkumar

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner, who was arrested on 06.02.2021 and remanded to judicial custody for the offences under Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act 1985 in Cr.No.37 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information received, the respondent police conducted search at Koyembedu Bus Stand, the petitioner along with other accused person were found in possession of 22 Kgs. of Ganja and the same was seized by the respondent Police and registered a case.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and she has been falsely implicated in this case and the petitioner has been in jail from 06.02.2021. In fact, the entire contraband has been seized from A1 and not from this petitioner/A2 and the petitioner is having 4 1/2 month infant. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused person were found in possession of 22 Kgs Ganja. The respondent police seized the contraband from A1 about 11 kgs. and from A2 about 9 kgs. The respondent police has completed the enquiry and filed charge sheet in CC.No.115 of 2021 and except this case, there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and seized contraband is not commercial quantity and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Special Prison for Women Puzhal, Cehnnai, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(c) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai;.

(d) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(e) 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;

(f) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) the petitioner shall not abscond either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned 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;

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE NO.V,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
K-11, C.M.B.T.POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges

CRL OP.10022/2021

Date :18/06/2021

MK:18/06/2021