



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14700 of 2022

Mahalakshmi

..Petitioner

Vs.

State rep. by its
The Inspector of Police
Railway Police Station,
Erode.
(Crime No.30 of 2022).

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail arrested in Crime No.30 of 2022 (on the file of the Inspector of Police Erode Railway Police Station, Erode) pending investigation of this case.

For Petitioner : Mr.K.Dilli Ganesh

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022 for the offence punishable under Sections 8 (c) r/w 20 (b) (ii) (c) of NDPS Act in Crime No.30 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were in joint possession of 10 Kgs and 100 grams of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 01.04.2022. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.50,000/- to the **Adyar**



Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 2 accused in which the petitioner is arrayed as A1. The second accused was already granted bail but the second accused failed to comply the conditions as imposed by the Court. Insofar as the petitioner is concerned, the petitioner along with A2 were in joint possession of 10 Kgs and 100 grams of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and the petitioner was in possession of in between quantity and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only), by way of Demand Draft to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and also taking note of the fact that the petitioner is in judicial custody from 01.04.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and on such deposit, the petitioner is ordered to be released on bail on their 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 No.II, Erode 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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent Police daily Morning at 10.30 a.m. and Evening 05.00 p.m, until further orders.

[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 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.

-sd/-

27/06/2022

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 JUDICIAL MAGISTRATE,
NO.II, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
ERODE.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, COIMBATORE.

6 THE ADYAR CANCER INSTITUTE (WIA)
EAST CANAL BANK ROAD,
ADYAR, CHENNAI.

+1 CC to M/S.K.DILLI GANESH Advocate on payment of necessary charges SR.NO.10064

CRL OP.14700/2022

Date :27/06/2022

TA-28/06/2022