



Crl.OP.No.23800 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.23800 of 2022

Dhurga Devi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
T-11 Somangalam Police Station,
Tambaram District,
(Crime No.160 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on Bail in the above Crime No.160 of 2022
on the file of the respondent.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2022 for the offences punishable under Sections 8(C) r/w 20(b)(ii)(B) of NDPS Act 1985, in Crime No.160 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that petitioner along with other accused were found in possession of 1.140 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is the mother of one Sachin. There are certain cases pending against the son of the petitioner. Therefore, the mother and father had given surety for their son namely Sachin. The respondent police foisted cases against them in connection with Crime No.156 of 2022 which was registered against the petitioner, as if, she was found in possession of 500 kgs of Ganja and thereafter, she was released on bail on 11.08.2022 and immediately within a period of 6 days the present case has been registered against the petitioner and the petitioner has been arrested. He further submitted that the father of one Sachin had absconded fearing arrest at the hands of the respondent. He would also submit that the petitioner does not have any



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previous case under NDPS Act and only to prevent the petitioner giving legal aid and medical aid to their son, cases are being foisted against the petitioner. He would further submit that the petitioner is ready and willing to comply any conditions that may be imposed on her. Hence, he seeks to enlarge the petitioner on bail.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner is a habitual offender and she was found in possession of 320 grams of Ganja and one more previous case of similar nature in Crime No.156 of 2022 was also registered against the petitioner for having found to be in possession of 500 grams of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the both sides and perused the materials placed on record.

6. Taking into consideration the facts and circumstances and also the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Learned Judicial Magistrate, Sriperumbadur** 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 **report before the Inspector of Police, Royapuram Police Station, every day at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., before the respondent Police until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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



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Court himself as laid down by the Hon'ble Supreme Court
in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW
5560];**

[f] If the accused thereafter abscond, a fresh FIR can be registered
under Section 229A IPC.

12.10.2022

gd/vkr

To

1. The Judicial Magistrate, Sriperumbadur.
- 2.The Inspector of Police,
T-11 Somangalam Police Station,
Tambaram District,
- 3.The Special Prison for Women, Chenani.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

gd/vkr

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