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CrI.OP.No.26424 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE **M.NIRMAL KUMAR**

CrI.OP.No.26424 of 2022

B.Shantha

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
J-13, Taramani Police Station,
Chennai.
Crime No.552 of 2021

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No. 552 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Manoj Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act in Crime No.552 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, on 30.12.2021, the respondent police received secret information about the sale of Ganja. Based on which, the Respondent police along with his team had visited the scene of occurrence apprehending three accused namely A1, A2 and A3 and recorded their confession statement. Then by following the procedures, samples were taken and sent for chemical analysis. At that time, the petitioner/A4 escaped from the scene of occurrence, which was confirmed by A1 and A3 in their confession statements and thereafter, the petitioner was arrested. Hence, the case.



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3. The contention of the learned counsel for the petitioner is that there is no recovery from the petitioner and the age of the petitioner is about 72 years and that there is no possibility to run away, even for walking she finds difficulty. He would further submit that false case has been registered against the petitioner for the reason that earlier a case in Crime No.278 of 2022 has been registered against the petitioner for possession of 100g of ganja. As regard this case is concerned, the petitioner was not at all aware of the contraband and she does not know about the other accused namely A1 to A3. He would further submit that A1 and A2 were granted bail by the Principal Special Judge, Chennai in Crl.M.P.No.208 of 2022 on 04.02.2022. Hence, he sought for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, on 30.12.2021, present case in Crime No.278 of 2022 was registered against A1 to A3 for having illegal possession of 1.200 kgs of ganja and then the ganja was recovered and A1 to A3 were arrested from the scene of occurrence. After sustained



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efforts, the petitioner could be arrested only on 17.09.2022. He would further submit that the petitioner has one previous case of similar in nature. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record including the counter filed by the learned Government Advocate (Crl.Side).

6. Taking into consideration the facts and submissions and the period of incarceration undergone by the petitioner and that there is no recovery made from the petitioner and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 XVIII Metropolitan Magistrate at Saidapet** and on further conditions that :-



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[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 respondent police daily at 10.30.a.m., 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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M.NIRMAL KUMAR, J.

Sma

To

1. XVIII Metropolitan Magistrate
Saidapet.
2. The Inspector of Police,
J-13, Taramani Police Station,
Chennai.
3. Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras

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