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Crl.O.P.No.4404 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.4404 of 2023

Sivagami

... Petitioner

Vs.

The Inspector of Police,
B-3, Fort Police Station,
Chennai.

(Crime No.10 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.10 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.T.S.Sasi Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.02.2023 for the offences punishable under Sections 8(C) r/w



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20(b)(ii)(B) of NDPS Act in Crime No.10 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the petitioner was in illegal possession of 1.5 kgs of Ganja. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a poor woman and she has been falsely implicated in this case, since she has five previous cases for having possession of minimum quantity of contraband. He further submitted that in order to curtail the petitioner's activities, the respondent has foisted this case against the petitioner. He also submitted that the petitioner is in custody from 03.02.2023 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent submitted that the petitioner is a habitual offender against whom, 5 previous cases of similar nature, are pending. He further submitted that as far as this



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case is concerned, the petitioner was found in illegal possession of 1.5 kgs of Ganja. Hence, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on her 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 VII Metropolitan Magistrate, George Town, Chennai** 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent daily twice at 10.30 a.m and 5.30 p.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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The VII Metropolitan Magistrate, George Town,
Chennai.
- 2.The Inspector of Police,
B-3, Fort Police Station,
Chennai.
3. The Central Prison for Women,
Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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