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Crl.O.P.No. 7662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.7662 of 2023

Thenmozhi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-5, Marina Police Station,
Chennai.

(Crime No. 31 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.31 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.Elumalai

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 16.02.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B), 25, 29(1) NDPS Act, in connection with Crime No. 31 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 4 Kgs of Ganja. Hence the complaint.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. Further he would submit that the petitioner is in custody for almost 57 days from 16.02.2023 and the contraband recovered from the petitioner is only a intermediate quantity. Further he would submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a habitual offender and



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there are three previous cases of similar in nature are pending against the petitioner . Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to **"The Dean/Medical Officer, Kilpauk Medical Hospital"** by way of **Demand Draft/RTGS/NEFT** without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, 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**, for a like sum to the satisfaction of the **learned II**



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Metropolitan Magistrate, Egmore 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 Bank pass Book to ensure their identity;

[b] The petitioner shall report before the respondent Police, everyday at 6.00 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.

13.04.2023

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To

1. The II Metropolitan Magistrate, Egmore Chennai,
2. The Inspector of Police,
D-5, Marina Police Station,
Chennai.
3. The Superintendent
Central Special Prison-Women,
Puzhal-3,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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