



Crl.O.P.No.7465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.04.2023

CORAM:

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

Crl.O.P.No.7465 of 2023

Udhayavani

.. Petitioner

/versus/

State rep.by  
The Inspector of Police,  
PEW Anna Nagar Police Station,  
Chennai District.  
(Crime No.158 of 2023)

.. Respondent

**Prayer:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.158 of 2023 on the file of Inspector of Police, PEW Anna Nagar Police Station, Chennai.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.C.E.Pratap,  
Government Advocate (Crl.Side)

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 23.02.2023, for the offences punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in



Crime No.158 of 2023, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner was found in possession of 3 kgs of dry Ganja. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that admittedly the petitioner has three previous cases of similar nature and he is in judicial custody from 23.02.2023.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) would submit that the petitioner is a habitual offender against whom there are six previous cases out of which 4 cases of similar offences and hence, he would object for grant of bail.

6. In reply, the learned counsel for the petitioner would submit that the petitioner is in custody for the past 51 days, hence, he prays to



grant bail to the petitioner.

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7. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record.

8. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "Manonmani Trust", without prejudice to her rights and contentions before the trial Court.

9. Merely, because the petitioner has deposited the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

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



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11. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) by way of **RTGS/NEFT to the credit of "Manonmani Trust, Account Number : 9945983362, IFSC Code : KKBK0000469, Kotak Mahindra Bank, Anna Nagar Branch"**, without prejudice to his 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**, each for a like sum to the satisfaction of **the learned V Metropolitan Magistrate Court, Egmore** 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 10.30 a.m. until further orders;



CrI.O.P.No.7465 of 2023

[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.

**12.04.2023**

Speaking Order / Non-Speaking Order  
Index : yes/no  
Internet : yes/no  
mpa

To

- 1.The V Metropolitan Magistrate Court, Egmore.
- 2.The Central Women Prison, Puzhal.
- 3.The Inspector of Police,  
PEW Anna Nagar Police Station,  
Chennai District.
- 4.The Public Prosecutor,  
High Court, Madras.



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Crl.O.P.No.7465 of 2023

**A.D.JAGADISH CHANDIRA,J.**

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Crl.O.P.No.7465 of 2023

12.04.2023