



Crl.O.P.No.13105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

Crl.O.P.No.13105 of 2023

Seniyammal

... Petitioner

Vs.

State
The Inspector of Police
H-6, R.K.Nagar Police Station
Chennai
Crime No.280 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.280 of 2023 on the file
of the respondent police.

For Petitioner : Mr.R.Rajan

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 09.05.2023, for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of NDPS Act in Crime No.280 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 09.05.2023, the petitioner was found in possession of 1.200 Kgs. of Ganja. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case for statistical purpose. He further submitted that the petitioner has been languishing in jail for more than one month from 09.05.2023. On instructions, he would further submit that without prejudice to her defence, the petitioner is ready and willing to deposit a substantial amount to any welfare scheme run by the Government as may be directed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner



stating that the petitioner was found in possession of 1.200 Kgs. of Ganja and she has got 2 previous cases of similar nature.

5. In reply, the learned counsel for the petitioner submitted that out of the 2 previous cases, the petitioner has been acquitted in one case and the another case is pending trial.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) by way of **RTGS/NEFT to the credit of "The Head Master, Corporation Higher Secondary School, Patel Nagar, Nethaji Nagar, Tondiarpet, Chennai"** without prejudice to her rights and contentions before the trial Court.

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



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9. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand Only) by way of **RTGS/NEFT to the credit of "The Head Master, Corporation Higher Secondary School, Patel Nagar, Nethaji Nagar, Tondiarpet, Chennai"** 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**, each for a like sum to the satisfaction of **the Principal Special Court under EC & NDPS Act, 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;



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[b] the petitioner shall report before the respondent police everyday 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 petitioners 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.

13.06.2023

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To

1. The Principal Special Court under EC & NDPS Act, Chennai
2. The Inspector of Police
H-6, R.K.Nagar Police Station
Chennai
3. The Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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