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Crl.O.P.No.13510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

Crl.O.P.No.13510 of 2023

Ammu

... Petitioner

Vs.

State rep by
The Inspector of Police
J-11/T15, Kannagi Nagar Police Station,
Chennai.

Crime No.507 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in C.C.No.152 of 2018 on the file of
the Principal Special Court for EC & NDPS Act cases, Chennai.

For Petitioner : Mr.D.Arumugam

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody, pursuant to the non-bailable warrant of arrest issued against him in



C.C.No.152 of 2018, pending on the file of the Principal Special Court for EC & NDPS Act cases, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused No.1 facing trial in C.C.No.152 of 2018, for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, pending on the file of the learned Principal Special Court for EC and NDPS Act cases, Chennai. He further submitted that the petitioner is a house wife and she has got three daughters and she has all along been regularly appearing before the trial Court on all hearing dates, while so, due to some family problem, she was unable to appear before the trial Court on 16.10.2019, thereby, the trial Court has issued a Non Bailable Warrant of arrest against her and due to her continuous family problem, she was unable to appear before the trial Court, and recall the warrant, pursuant to which, she was arrested on 27.02.2023 from her residence.

3. He further submitted that the petitioner is a slum dweller and she does not have any other case against her and the close relatives of the petitioner are ready to stand as surety to the petitioner. He further submitted that the petitioner is also ready to file an Affidavit of Undertaking stating



that she will co-operate for speedy disposal of the trial and she would ensure that she will appear before the trial Court on all hearing dates without fail.

Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused No.1 facing trial in C.C.No.152 of 2018, pending on the file of the Principal Special Court for EC and NDPS Act cases, Chennai, has failed to appear before the trial Court on 16.10.2019, a Non-Bailable Warrant was issued against her and pursuant to the same, she was arrested on 27.02.2023. He further submitted that the charges have been framed in this case and the case now stands posted to 03.07.2023 for examination of L.W.1. Hence, he opposed to grant bail to the petitioner.

5. 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.

6. Taking into consideration the 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 and the fact that the



petitioner is a lady and she has got three children, this Court is inclined to grant of 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**, (out of which, one surety should be the blood relative of the petitioner), each for a like sum to the satisfaction of the **learned Principal Special Judge for EC & NDPS Act cases, 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 appear before the **learned Principal Special Judge for EC & NDPS Act cases, Chennai, on all working days at 10.30 a.m., for a period of three weeks and thereafter, on the date fixed by the learned trial Judge until further orders;**

[c] the petitioner after coming out on bail shall file an Affidavit of Undertaking to the effect that **she will co-operate for speedy disposal of the trial;**

[d] the petitioner shall not abscond either during investigation or trial;



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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

20.06.2023

vr

To

1. The Principal Special Court for EC & NDPS Act cases,
Chennai.
2. The Inspector of Police
J-11/T15, Kannagi Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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