



Crl.OP.No.14538 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14538 of 2023

Jenifer

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
T-15, Kanagi Nagar Police Station,
in Cr.No.226 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner, concerned in Crime No.226 of 2023 on the file of the respondent Police.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2023 for the offences punishable under Section 8 (c), 22 (b), 29 (1) of Narcotics Drugs & Phychotropic Substances Act, 1985 in Crime



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No.226 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Cr.No.226 of 2023 for the offences under Section 8 (c), 22 (b), 29 (1) of Narcotics Drugs & Psychotropic Substances Act, 1985 and she is in judicial custody from 26.05.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that accused in this case were found in illegal possession of 35 tablets of Nitrazepam and 100 tablets of Tydol 100 at about 8.00 a.m. on 26.05.2023 at 11th block, Ezhil nagar. Tydol is not a drug which is covered under notification S.O.1055(E) dated 19.10.2001. Each tablet contains 0.567g of Nitrazepam. Thus, total quantity of Nitrazepam is 19.85 grams. Investigation in this case is pending for the reason that laboratory analysis report is not received.

4.Considered the rival submissions and perused the records.



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5.Going by the submission of learned Government Advocate (Criminal side), that Nitrazepam concerned in this case comes to 19.85 grams which is less than 20grams. 20 gram is a small quantity as per the aforesaid notification. Tepentadol is not a drug comes under the notification. Considering that the petitioner is in judicial custody from 26.05.2023, this Court is inclined to grant bail to the petitioner with conditions.

6. 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 Judicial Magistrate II, Alandur**, 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



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respondent Police daily 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate II, Alandur
- 2.The Inspector of Police,
T-15, Kanagi Nagar Police Station.
- 3.Central Prison, Puzhal for Women.
- 4.The Public Prosecutor,
High Court of Madras



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