



Crl.OP.No.19898 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

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

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Malathy

..Petitioner

Vs.

The State represented by
The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai District.
(Cr.No.156 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Crime No.156 of 2023 on the file of the respondent Police.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2023 for the offences punishable under Section 8 (c) r/w 22 (b), 25 & 29 (1) of NDPS Act, 1985, in Crime No.156 of 2023 on the file of



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the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated as accused in Crime No.156 of 2023 for the offences under Section 8 (c) r/w 22 (b), 25 & 29 (1) of NDPS Act, 1985. Petitioner is in judicial custody from 04.08.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that on secret information received, defacto-complainant along with Police party mounted surveillance on 04.08.2023, near Mahalingapuram bridge, MLM Tirumana Mandapam. At about 13.20 hours They found persons namely the accused in this case under suspicious circumstances. After following necessary procedure, a search was conducted. Accused Ganesh was found in possession of small white colour bag. Under examination, it was found that the bags contain Methamphetamine and it weighed totally 21g.

4.It is the further submission of learned Additional Public



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Prosecutor that petitioner along with co-accused had illegally possessed Methamphetamine for illegal sale and it is a case of joint possession. He further submitted that as per entry No.159 of the notification S.O.1055 (E), dated 19.10.2001, upto two grams is small quantity and 50g and above is commercial quantity.

5.Considered the rival submissions and perused the records.

6.It is the case of alleged joint possession of 21g of Methamphetamine by four accused in this case. This is a case of intermediate quantity. The contraband was recovered. Petitioner is a woman. She is in judicial custody from 04.08.2023. She has no previous case registered under NDPS Act. In such circumstances, this Court is inclined to grant bail to the petitioner.

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**, each for a like sum to the satisfaction of the **learned XIV Metropolitan Magistrate, Egmore, Chennai**, and on



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further conditions that :-

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[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 without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009. Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.00.a.m., until further



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orders.

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

[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 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].

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

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To

- 1.The XIV Metropolitan Magistrate
Egmore, Chennai.
- 2.The Inspector of Police,
F-3,Nungambakkam Police Station,
Chennai District.
- 3.Central Prison, Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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