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Crl.OP.No.23328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.23328 of 2023

Nivetha,
W/o.Silambarasan

...Petitioner/A1

Vs.

State represented by its
The Inspector of Police,
NIB-CID, Vellore District,
Tamil Nadu.

(Crime No.24 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail relating to Crime No. 24 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.Samson
For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.07.2023, for the offences punishable under Sections 8(c), 20(b)(ii)(b) of NDPS Act, in Crime No.24 of 2023, on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner



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has been arrayed as 1st accused in the case. She had been taken into custody on 20.07.2023 and she is in jail with an infant child. He further stated that the 2nd accused, who is a senior citizen, aged about 60 years, had been granted bail, by an order dated 20.09.2023, by the learned Single Judge of this Court. Thus, he prays for grant of bail to the petitioner.

3.The learned Government Advocate (Crl.Side) submitted that the petitioner was found in possession of 15 Kgs of Ganja and taken into custody on 20.07.2023. He further stated that 2nd accused in this case had been granted bail.

4.In view of the facts stated above and taking into consideration the period of incarceration and that the co-accused had been granted bail, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail on he 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**



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Special Judge for EC and NDPS Act cases, Salem 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.

[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].



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

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To

- 1.The Special Judge for EC and NDPS Act cases,
Salem.
- 2.The Central Prison,
Vellore.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
NIB-CID, Vellore District,
Tamil Nadu.
(Crime No.24 of 2023)

C.V.KARTHIKEYAN. J.

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