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CRL OP.No.29256 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.12.2023

CORAM

The Hon`ble Mr.Justice P.DHANABAL

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Asha

... Petitioner

Vs

State through
Inspector of Police (L & O)
M-8, Sathangadu Police Station,
Tiruvottiyur,
Chennai - 600019.

... Respondent

For Petitioner : Mr.P.Syed Abdul Mashood

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-This Criminal Original Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in C.C.No.67 of 2019 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai in Cr.No.41 of 2018 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.10.2023 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act in C.C.No.67 of 2019 on the file of the learned I Additional Session Judge, for NDPS Cases, Chennai in Crime No.41 of 2018, seeks bail.

2.The learned counsel for the petitioner submitted that the petitioner could not appear before the trial Court on 05.09.2020 due to his ill health, and it was neither wilful nor wanton. Hence, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor oppose this petition, on the ground that, when the case was pending before the learned I Additional Session Judge, for NDPS Cases, Chennai in C.C.No.67 of 2019, Non Bailable Warrant was issued against the petitioner on 05.09.2020 for her non appearance and the



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same was executed on 06.10.2023, and she has been remanded to judicial custody. He submitted that the petitioner has got four previous cases pending which are similar in nature. He also added that the case is now pending for examination of investigating officer. Therefore, he prays for dismissal of bail to the petitioner.

4.Considering the fact that the petitioner has already been granted bail by the learned Principal Special Judge, for NDPS Cases, Chennai, and due to ill health, she could not appear before the trial Court on 05.09.2020 and issued NBW and the same was executed on 06.10.2023 and now is in custody for more than 2 months, this court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 I Additional Session Judge, for NDPS Cases, Chennai and on further conditions that:



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[a] the petitioner shall report before the trial Court daily at 10.00 A.M. until further orders.

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[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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.

28.12.2023

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
Anu/kas



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TO

1.The I Additional Session Judge, for
NDPS Cases, Chennai.

2.The Superintendent,
Special Prison for Women,
Puzhal.

3.Inspector of Police (L & O)
M-8, Sathangadu Police Station,
Tiruvottiyur,
Chennai - 600019.

4.The Additional Public Prosecutor,
Madras High Court.



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P. DHANABAL, J

Anu/kas

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