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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No. 15641 of 2024

Gundamma @ Vaishnavi

... Petitioner

Vs.

State Rep by.

The Inspector of Police

P6, Kodungaiyur Police Station,

Chennai. Crime No. 117 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner pending investigation in crime No. 117 of
2024 on the file of The Inspector of Police P6, Kodungaiyur Police Station,
Chennai.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2024 for the alleged offences punishable under Sections 8 (c) r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act, in crime No. 117 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with illegal possession of 26.400 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also contraband seized was not recovered from the petitioner. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that petitioner is having one previous case. He raised objection to grant bail.

5. Considering the facts of the case and the period of incarceration undergone by the petitioner and also the contraband seized from the petitioner is intermediate quantity. Hence, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate No.X, Egmore, 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 report before the respondent police on alternative days 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;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Metropolitan Magistrate No.X, Egmore, Chennai**

2. The Inspector of Police
P6, Kodungaiyur Police Station,
Chennai.

3. The Special Prison for Women,Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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