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CRL O.P. No.19981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19981 of 2024

Vijayashanthi W/o. Settu @ Karthikeyan,
Vs

... Petitioner

State rep. by:-

The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.
[Cr. No.355 of 2024]

... Respondent

For Petitioner : Mr.P.Muthamizh Selvakumar
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.355 of 2024 on the file of the respondent police.

ORDER

The petitioner/ accused A5, who was arrested and remanded to



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judicial custody on 11.07.2024 for the offence punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Crime No.355 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested and remanded to judicial custody on 11.07.2024, for illegal possession of 1.210 Kgs of Kanja. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. She is in judicial custody for more than 35 days. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on 11.07.2024, for illegal possession of 1.210 Kgs of Kanja. Hence he opposed to grant bail to the petitioner.

5. Heard both side counsels and perused the materials available



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on record.

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6. Considering the representation made on either side and considering the fact that the co-accused were released on bail and taking into consideration the fact that the quantity of material involved in this case is not commercial quantity and also considering the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 **X Metropolitan Magistrate Court, Egmore**, and on further conditions that:

[b] the petitioner shall report before the NDPS Court, Chennai, on every working day, until further orders.

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

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

[e] the petitioner shall not tamper with evidence or witness either



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during investigation or trial.

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[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
ssa

To

- 1.The X Metropolitan Magistrate Court, Egmore.
- 2.The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.
- 3.The Central Prison, Puzhal.

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4.The Government Advocate (Crl.Side), High Court, Madras.

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P.DHANABAL,J.

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