



WEB COPY



Crl.O.P.No.20594 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20594 of 2024

Ivy Bonuke

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Prohibition Enforcement Wing,
Coimbatore City
(Crime No.339 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.339 of 2024 on the file of respondent police.

For Petitioner : M/s.D.P.Vishal
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



CrI.O.P.No.20594 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.06.2024 for the offence under Section 8(c), 20(b)(ii)B, 22(c), 25 and 29(1) of the NDPS Act in Crime No.339 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal possession of 1250 grams of Ganja and 94 grams of Methamphetamine. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He further submitted that the petitioner has been implicated in this case only based on the confession of the co-accused; that the co-accused in this case was released on bail; that the petitioner has been in custody since 03.06.2024; that the petitioner is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore,



Crl.O.P.No.20594 of 2024

he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner and other accused were found in illegal possession of 1250 grams of Ganja and 94 grams of Methamphetamine. He further submitted that 15 grams of Methamphetamine were recovered from the petitioner; that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, that petitioner was arrayed as an accused only based on the confession of the co-accused, the alleged recovery from the petitioner is also only 15 grams which does not come under the commercial quantity, that there are no previous cases pending against the petitioner, the co-accused was already released on bail by this Court and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



CrI.O.P.No.20594 of 2024

WEB COPY

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 **Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore**, and on further conditions that:

[a] the petitioner shall report before the Special Court for Essential Commodities Act Cases, Coimbatore on every working day at 10.30 a.m. until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;



WEB COPY



CrI.O.P.No.20594 of 2024

[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]; and

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

12.09.2024

dk

To

- 1.The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.
- 2.The Central Special Prison for Women at Puzhal.
- 3.The Inspector of Police,
Prohibition Enforcement Wing,
Coimbatore City.



Crl.O.P.No.20594 of 2024

4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

dk

Crl.O.P.No.20594 of 2024



WEB COPY



CrI.O.P.No.20594 of 2024

12.09.2024