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CRL O.P. No.21944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21944 of 2024

Kalaivani W/o. Jeyakumar

... Petitioner / A4

Vs

State rep. by:-

The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Tambaram City
[Cr. No.221 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused No.4 in Crime No.221 of 2024 on the file of the respondent police.

For Petitioner : Mr. D. Manojkumar
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]



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ORDER

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The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 23.07.2024 for the offences punishable under sections 8(c) r/w 22(b) and 29(1) of NDPS Act in Crime No.221 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.04.2024, the petitioner along with another accused, was found in possession of 40 nos of Nitrovet Tablets along with 300 nos of Tydol tablets. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against her, that she is in judicial custody for the more than 1 1/2 months. The petitioner is no way connected with the case. Hence, he seeks bail.

4. The learned Government Advocate (Criminal side) appearing



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for the respondent would submit that the petitioner was arrested and remanded to judicial custody on 23.07.2024. There are totally four accused and the petitioner is arrayed as A4 and the accused along with other accused was found in possession of 40 nos of Nitrovet Tablets along with 300 nos of Tydol tablets. Hence he objected to grant bail to the petitioner. He further submitted that the co-accused was released on bail and there is no previous case pending against this petitioner.

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

6. Considering the rival submissions on either side and considering the nature of offences, considering the fact that the quantity of materials involved in this case is not a commercial quantity, that there is no previous case pending against the petitioner and the co-accused were released on bail and also considering the period of incarceration underwent by 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Principal Special Judge for NDPS Act, Chennai** and on further conditions that:

[b] the petitioner shall report before the jurisdictional Court i.e., concerned Additional Special Court for exclusive trial of cases under N.D.P.S. Act, Chennai on every working day at 10.30 A.M. until further orders.

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

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

[e] 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned



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Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

06.09.2024

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

P.DHANABAL,J
mjs

TO

- 1.The **Principal Special Judge for NDPS Act, Chennai**
- 2.The **Additional Special Court for exclusive trial of cases under N.D.P.S. Act, Chennai.**
3. **The Inspector of Police,**
T-15, Kannagi Nagar Police Station,

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4. The Superintendent,
Central Prison, Puzhal, Chennai-66.

5. The Public Prosecutor, Madras High Court, Chennai.

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