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Crl.O.P.No.27200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM :
THE HONOURABLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.27200 of 2024

Gandhimathi

... Petitioner/A3

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
M-3, Puzhal Police Station,
Chennai – 600 012.
(Crime No.445 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.445 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.S.Vijayaraghavan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.09.2024, for the alleged offence punishable under Sections 8(c) read with



20(b)(ii)(B), 29(1), 25 of NDPS Act, 1985 in Crime No.445 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with A1 & A2 were in illegal possession of 3 Kgs of Ganja in a plastic cover. 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 in custody since 02.09.2024; that she is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner along with other accused were in illegal possession of 3 Kgs of Ganja. He further would further submit



that there are seven previous cases against the petitioner.

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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made on both sides and the fact that the quantity of material involved in this case is not a commercial quantity and also taking into consideration the period of incarceration undergone by the petitioner from 02.09.2024 and though there are seven previous case against the petitioner, in that cases, already bail was granted to the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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, each for a like sum to the satisfaction of the **Learned Principal Sessions Judge, Special Court (Exclusive Trial under EC& NDPS Cases) at Chennai** and on further conditions that:-

[a] the petitioner shall report before the Learned Principal Sessions Judge, Special Court (Exclusive Trial under EC/NDPS Act Cases), Chennai,



on all working days at 10.30 a.m., until further orders, without fail.

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[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 he 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.

[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 BNS.



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To:

- 1.The Learned Principal Sessions Judge
Special Court (Exclusive Trial under EC & NDPS Cases),
Chennai .
- 2.The Inspector of Police,
M-3, Puzhal Police Station,
Chennai – 600 012.
- 3.The Superintendent,
Central Prison for Women,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL,J.

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