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CrI.O.P.No.27816 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.27816 of 2024

E.Divyadharshini

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai.
(Crime No.417 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.417 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 21.10.2024, seeking bail in Crime No.417 of 2024 registered for the offence under Sections 278 & 123 of BNS.



CrI.O.P.No.27816 of 2024

WEB COPY

2. The case of the prosecution is that based on the secret information, the respondent and his team had conducted a search, during which, they found that the accused were in illegal possession of 206 Tydol tablets and 40 syringes. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He also submitted that the petitioner is working as a Nurse in a private hospital and other than having been present at the scene of occurrence, she is no way connected with the offence as alleged by the prosecution. He further submitted that the co-accused/A4 in this case has been granted bail by this Court in CrI.O.P.No.27774 of 2024 and some of the other accused were released on bail by the Principal Sessions Court, Chennai. Hence, he prayed for grant of bail to the petitioner stating that the petitioner, who is in custody from 21.10.2024, is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the accused were found to be in illegal possession of 206 Tydol tablets and 40



CrI.O.P.No.27816 of 2024

syringes. He further submitted that there are nine accused in this case and the petitioner herein is arrayed as A2. He also submitted that there is no previous case against the petitioner.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent.

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of the fact that some of the co-accused have been released on bail and also considering the period of incarceration undergone by 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 her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XXIII Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



CrI.O.P.No.27816 of 2024

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, everyday at 10.30a.m. and 06.30 p.m., for a period of two weeks and thereafter, on every Saturday 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;

[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 269 B.N.S.

14.11.2024

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CrI.O.P.No.27816 of 2024

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1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison (For Women),
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.27816 of 2024

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.27816 of 2024

14.11.2024