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Crl.O.P.No.27856 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

Crl.O.P.No.27856 of 2024

Alamelu

... Petitioner

Vs.

State represented by,
The Inspector of Police
P-2, Otteri Police Station
Chennai District
(Crime No.1079 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.1079 of 2024 on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 24.10.2024, seeking bail in Crime No.1079 of 2024 registered for the offence under Sections 8(c),



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20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985, Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023.

2. The case of the prosecution is that on 24.10.2024, the petitioner along with two other accused was found in illegal possession of 150 grams of Ganja and 350 grams of Maava. 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 in custody from 24.10.2024 and she is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioner along with two other accused was found in illegal possession of 150 grams of Ganja and 350 grams of Maava. He further submitted that the petitioner has got one previous case under NDPS Act. Hence, he opposed for granting bail to the petitioner.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side 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 X Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left 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 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during



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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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

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1. The X Metropolitan Magistrate,
Egmore, Chennai
2. The Inspector of Police
P-2, Otteri Police Station
Chennai District
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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