



WEB COPY



Crl.O.P.No.30722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30722 of 2024

Nirosha

.... Petitioner

Vs

State rep. by
The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai District.
Cr.No.199 of 2024

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of apprehending arrest in Crime No. 199 of 2024 pending on the file of the Inspector of Police, D-4, Zam Bazaar Police Station, Chennai District.

For Petitioner : Mr.A.Vivek

For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.199 of 2024 registered for the offences punishable under Sections 8(c) r/w 22(a) of Narcotic Drugs and Psychotropic Substances Act, 1985, the present petition has been filed seeking anticipatory bail.



2. The case of the prosecution is that the petitioner was found to be an illegal possession of psychotropic substance, which exists the small quantity of Nendia-5mg – 16 Tablets and Nitravit-10mg - 9 Tablets. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioner, along with other accused, was found in illegal possession of Nendia-5mg – 16 Tablets and Nitravit-10mg - 9 Tablets. On the confession of A1, the petitioner was implicated in this case. He further submitted that there is no previous case pending as against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the



Crl.O.P.No.30722 of 2024

materials available on record.

WEB COPY

6. Considering the nature of the complaint and the defence taken by the petitioner and that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate Court, Chennai, on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of three weeks this Order shall stand automatically cancelled;

[b] the petitioner shall report before the Metropolitan Magistrate Court, Chennai for a period of one week and thereafter, on the dates to be fixed by the learned Judicial Magistrate ;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



Crl.O.P.No.30722 of 2024

A.D.JAGADISH CHANDIRA, J,

rpl

[d] the petitioner shall not abscond 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 of BNS.

18.12.2024

Index : Yes/No

Internet : Yes/No

rpl

To

1.The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.30722 of 2024