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Crl.O.P.No. 29072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.29072of 2023

Kalaivani

... Petitioner/Accused-1

Vs.

The Inspector of Police,
T17 Perumbakkam Police Station
Tambaram City Police,
(Cr.No. 338 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail for alleged offences under Section
8(c) read with 20b(ii)B of NDPS Act in Crime No.338 of 2023 pending on
the file of the respondent Police.

For Petitioner : Mr. M.Hussaini Basha

For Respondent : Mr. L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.11.2023, registered by the respondent Police for the offences under Section 8(c), read with 20(b), (ii), (B) of NDPS Act, in Crime No.338 of 2023, seeks bail.

2. It is stated that the petitioner was found in possession of 1.200 kilograms of Ganja. There are also two other accused, who are still in custody,

3. It is stated by the respondent that the husband of the petitioner has 9 previous cases including two under NDPS Act and the other under various provisions of IPC.

4. However, taking into consideration the period of incarceration and the quantity of contraband seized, which is intermediate quantity, this Court is inclined to grant bail to the petitioner with certain conditions.



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5. 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 Thousand only) with two sureties, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate Court, 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 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



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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 229A IPC.

05.01.2024

vsg

To

1. II Metropolitan Magistrate Court, Egmore, Chennai.
2. The Inspector of Police,
T17 Perumbakkam Police Station
Tambaram City Police,
3. The Central Prison for Women, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

vsg

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