



WEB COPY



Crl.O.P.No.32526 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.12.2024

CORAM
THE HON'BLE MRS. JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.32526 of 2024

Mariyammal @ Mariyamma/A-1

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V-4, Rajamangalam Police Station.
Chennai.

(Crime No. 672 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. 483 of B.N.S.S., 2023 to enlarge the petitioner on bail in Cr.No. 672 of 2024 on the file of the respondent police.

For Petitioner : Mr. P.Sridhar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 17.12.2024, for the alleged offence punishable under Sections 123, 274, and 275 of BNS and 24(1) of COTP Act, 2003, in Crime No. 672 of 2024,



Crl.O.P.No.32526 of 2024

on the file of the respondent police, seeks bail.

WEB COPY

2 The case of the prosecution is that, based on an information given by an informant, the respondent/Police went to the spot and during such inspection, the petitioner along with other accused were found in possession of 5 kgs of Ganja. 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. She has not committed any offence as alleged in the FIR. He further submits that the petitioner was arrested and is in judicial custody from 17.12.2024. The learned counsel would further submit that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.3,000/-, to any welfare scheme of the Government or any other organization. The learned counsel also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court, hence, he prayed bail for the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the



Crl.O.P.No.32526 of 2024

respondent submitted that the petitioner was found in possession of 5 kgs of Ganja, and there is no previous cases pending against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record, including the First Information Report.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) as non-refundable deposit, to the credit of **Manolaya, Home for Mentally Ill Destitute, Bank Name: Indian Overseas Bank, Branch: Kottaram, IFSC Code: IOBA0000253, Account Name: Manolaya, Account No.025302000000284, UPI ID: 6379484925@okbizicici, Gpay:9443307196**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Considering the submissions made by the learned counsel on



CrI.O.P.No.32526 of 2024

either side, nature of offence, and considering the period of incarceration undergone by the petitioner, i.e. from 17.12.2024, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.3,000/- (Rupees Three Thousand only)** with two sureties, each for a like sum to the satisfaction of the **learned District Munsif Cum Judicial Magistrate, Pallavaram, Chengalpattu**, and on further conditions that :-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[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 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



Crl.O.P.No.32526 of 2024

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.

27.12.2024

sd

To

1. The District Munsif Cum Judicial Magistrate,
Pallavaram, Chengalpattu.
2. The Inspector of Police,
V-4, Rajamangalam Police Station.
Chennai.
3. The Superintendent,
Central Prison, Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.

L.VICTORIA GOWRI, J.



WEB COPY



Crl.O.P.No.32526 of 2024

sd

Crl.O.P.No. 32526 of 2024

27.12.2024