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CRL OP NO.6555 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.6555 of 2025

Jayalakshmi

petitioner/A2

Vs

State Rep By,
The Inspector Of Police
P6, Kodungaiyur Police Station,
Chennai District.
(Cr.No 39 of 2025)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No.39 of 2025 pending
on the file of the respondent police.

For petitioner: Mr.Muthamizh Selvakumar P

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



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b) (ii) (A), 29(1) of the NDPS Act and 132 of the BNS, 2023 in Crime No.39 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. Though, the earlier anticipatory bail petition of the petitioner was dismissed as withdrawn by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in CrI.O.P.No.31787 of 2024 on 04.03.2025.

3. The case of the prosecution is that the co-accused/A1 was found in possession of 100gms of ganga; that on his confession, it was revealed that A2(petitioner) and A3 had purchased the said contraband from Andhra Pradesh and handed over the same to A1 and that A1, A4 and A5 sold the contraband for personal gain.

4. The learned counsel appearing for the petitioner would submit



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that the petitioner is innocent and she has been falsely implicated in this case; that the petitioner was implicated on the confession of the co-accused/A1; that the co-accused/A3 was granted anticipatory bail and sought for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that petitioner has 5 previous cases out of which 3 are registered under NDPS Act and that the first anticipatory bail application was dismissed by this Court *vide* order dated 29.01.2025.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

7. The earlier petition was dismissed as withdrawn with a liberty to the petitioner to file a fresh petition. Considering the nature of allegations, the fact that no contraband was seized from the petitioner, the petitioner is sought to be implicated on the confession of the co-



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accused; the fact that this Court had granted anticipatory bail to similarly placed co-accused/A3 in Crl.No.2222 of 2025 *vide* order dated 20.02.2025, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 on which the order copy made ready, before **the X Metropolitan Magistrate Court, Egmore** on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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



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police every day at 10:30 a.m., until further orders;

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

[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 B.N.S.

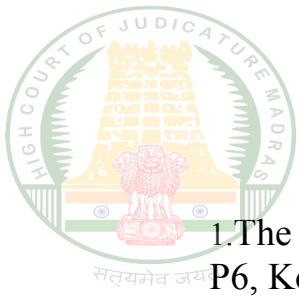
07.03.2025

vca

SUNDER MOHAN, J.

vca

To



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- 1.The Inspector Of Police
P6, Kodungaiyur Police Station,
Chennai District.
(Cr.No 39 of 2025)
2. X Metropolitan Magistrate Court, Egmore
- 3.The public Prosecutor,
Madras High Court.

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