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Crl.OP.No.5483 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5483 of 2025

Malliga

..Petitioner/Accused

Vs.

The State rep by
The Inspector of Police,
G-1 Vepery Police Station,
Chennai.
(Crime No.26 of 2025)

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of her arrest pending investigation in G-1 PS in Crime NO. 26 of 2025
on the file of the respondent herein.

For Petitioner : Mr.V.Balaji

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 274, 275, 123 of the BNS 2023 u/s 6(b), 24(1) of the COTP Act and u/s 7, 9(ii) of the TN Prohibition of Smoking and Spitting Act, 2003 Crime No.26 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of contraband such as (1) Hans 4 kg 200 grams, (2). Cool Lip-500 grams, (3). Mava – 500 grams. Hence the case.

3. The learned counsel for the petitioner submits that the allegations are false; that the petitioner has not committed any offences as alleged by the prosecution, and that the petitioner has no bad antecedents and prayed for anticipatory bail to the petitioner.

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



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respondent, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner has no bad antecedents and that the contraband has been seized.

5. Considering the aforesaid facts, the contraband was seized, and the fact that the petitioner has no bad antecedents, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. 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 is made ready, before the **II Metropolitan Magistrate, Egmore, 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 learned Magistrate concerned, failing which, the petition for anticipatory



bail shall stand dismissed and on further condition that:

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[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 police daily 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 BNS.

28.02.2025

Index : Yes / No



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Internet : Yes / No

dk

To

- 1.The Inspector of Police,
G-1 Vepery Police Station,
Chennai.
- 2.The II Metropolitan Magistrate
Egmore,
Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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