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Crl.O.P.No.5334 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No.5334 of 2025

Gajalakshmi

...Petitioner/A-4

Vs.

State rep. by
The Inspector of Police (Law & Order)
H-1 Police Station
Old Washermenpet
Chennai 600 021

...Respondent/Complainant

Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of arrest by the respondent police concerned u/s.8(c), 20(b)(ii)(B), 25, 29(1) of NDPS Act, 1985 and Section 4(1)(c) of TNP Act, 2024, in crime No.144 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.S.Premkumar
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

The petitioner/A-4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25, 29(1) of NDPS Act, 1985 and Section 4(1)(c) of TNP Act, 2024, on the file of the respondent police, seeks anticipatory bail.



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2. It is the case of the prosecution that A-1 to A-4 were found to be in possession of 1.150 kgs. of ganja, when they were intercepted by the respondent and A-4 had fled away from the scene and hence, she could not be arrested, while others were arrested and contraband was seized.

3. The learned counsel for the petitioner would submit that the allegations levelled against the petitioner are false and the petitioner is the mother of A-1 and that no previous case is pending against the petitioner. Therefore, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, would submit that the petitioner had fled away from the scene of occurrence and hence, she could not be arrested and the petitioner has no bad antecedents.

5. Considering the nature of allegations, the fact that the petitioner is the mother of A-1; that the petitioner has no bad antecedents; that the co-accused were arrested and the contraband was seized from them; and that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner



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with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned XV Metropolitan Magistrate, George Town, 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] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police every Monday 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 action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



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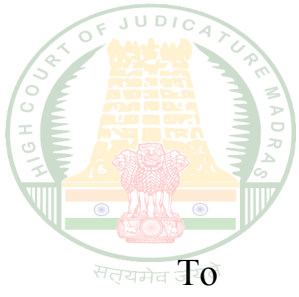
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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* reported in [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

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1.The XV Metropolitan Magistrate
George Town, Chennai

2.The Inspector of Police (Law & Order)
H-1 Police Station
Old Washermenpet
Chennai 600 021

3.The Public Prosecutor
High Court of Madras



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SUNDER MOHAN, J.
gva

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