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Crl.O.P. No.19208 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.19208 of 2025

Monisha L.

... Petitioner/ Accused

Vs.

The State Rep. By,
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai - 600 012.
(Crime No.212 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of her arrest by the respondent police concerned in Crime No.212 of 2025, on the file of the respondent police.

For Petitioner : Mr. R. Shriharan

For Respondent : Mr. Leonard Arul Joseph Selvam
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)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.212 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on a secret information, the respondent police went to the place of occurrence and found that the accused persons were in illegal possession of 1.200 kilograms of ganja for the purpose of sales; that upon investigation, the accused person confessed that the petitioner was also involved in the aforesaid offence. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case based on the confession of the arrested accused and she had never committed any offence as alleged by the prosecution. He further submitted that the petitioner is the daughter of A1/ Ananthavalli; that A1 was arrested in a Crime No.155 of 2025 and released on bail by this Court, vide order dated 09.05.2025 in Crl.O.P.No.14663 of 2025 and as per the condition imposed on her, she was regularly appearing before the respondent police. While so, A1 was again



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arrested by the respondent police in this case and subsequently, she was released on bail by this Court, vide order dated 19.06.2025 in Crl.O.P.No.17598 of 2025. He further submitted that the petitioner was in her family way; that no contraband was seized from the petitioner; and that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner is arrayed as A6 in this case; that the petitioner has two previous cases of similar nature; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the co-accused was arrested and released on bail, the petitioner is in her family way and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is



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inclined to grant anticipatory bail to the petitioner 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned X Metropolitan Magistrate at Egmore, Chennai** 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stands automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;



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[c] the petitioner shall report before the respondent police everyday at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

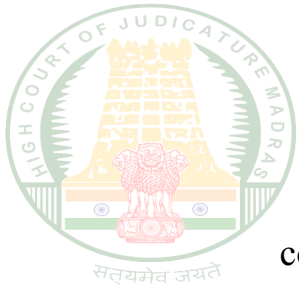
[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

M. NIRMAL KUMAR, J.

stn

[h] 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



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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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

10.07.2025

stn

To

1. The X Metropolitan Magistrate at Egmore, Chennai.
2. The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai - 600 012.
(Crime No.212 of 2025)
3. The Public Prosecutor, High Court of Madras.

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