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Crl.OP.No.24510 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

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THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

Crl.O.P.No.24510 of 2025

Sivakami

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Karipatty Police Station
Salem District
(Cr.No.400 of 2014)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Cr.No.400 of 2014 on the file of the respondent police.

For Petitioners : Mr. S.Prabhu

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 8(c), 20(b)(ii)(a) of NDPS
Act, 1985 in Crime No. 400 of 2014 on the file of the respondent Police,
seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner along with other accused were found to be in illegal possession of 800 grams of ganja.

Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and she has been falsely implicated in this case. According to the petitioner, though FIR was registered on 17.07.2014, he was not aware about the registration of FIR and after filing of charge sheet on 16.12.2024, it was informed to him that he has been arrayed as A3 in this case. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for her release. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that other two accused in this case were arrested and enlarged on bail. He also submits that there are two previous cases pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case, submissions made by learned counsels on either side, also considering the fact that the occurrence was taken place in the year 2014 and the final report has been filed only in the year 2024, this Court is inclined to grant anticipatory bail to the petitioner with 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 made ready, before the learned **Judicial Magistrate No.II, Salem** 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 learned Magistrate concerned and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall



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obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the concerned learned Magistrate daily at 10.30am for a period of two weeks and shall also appear on all hearing dates without fail.

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

16.09.2025

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To
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- 1.The Judicial Magistrate-II, Salem
2. The Inspector of Police,
Karipatty Police Station
Salem District
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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