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CRL O.P. No.30076 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.30076 of 2024

Padma W/o. Prabhakaran,

... Petitioner / Accused-4

Vs

State rep. by:-

The Inspector Of Police,
F2 Egmore Police Station,
Chennai - 600 008.

... Respondent

[Cr. No.244 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.244 of 2024 on the file of the respondent police.

For Petitioner : Mr. P. Santhosh

For Respondent : Mr. S. Balaji
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-4, who was arrested and remanded to judicial custody on 27.10.2024 for the offences punishable under



CRL O.P. No.30076 of 2024

Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, 1985 in Cr. No.244 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information with regard to the illegal transport of Narcotic substance, the respondent police party went to the scene of occurrence near Gandhi Irwin Salai, near Impala Hotel platform on 08.08.2024 and found the accused persons Vasu, Garaga Govindu and Jorepalli Venkata Ramanaiah in a suspicious manner and when they tried to escape, the police party caught them red handed with illegal possession of 8.470 kgs of Ganja from Vasu, 7.930 kgs of Ganja from Garaga Goindu and 6.170 kgs of Ganja from Jorepalli Venkata Ramanaiah. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, 1985 and he was arrested and remanded to judicial custody on 27.10.2024. As per the prosecution, A1 to A3 were arrested on 08.08.2024 along with contraband and based on their confession



CRL O.P. No.30076 of 2024

statements, this petitioner was arrested and this petitioner has been arrayed as A4. In fact, the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner has been arrayed as A4 in this case. A1 to A3 had illegal possession of commercial quantity of contraband totaling to 27.57 kgs and based on the confession statement of co-accused, this petitioner was also implicated in this case, since she had also tried to sell the contraband along with other accused. She has previous cases. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsels on either side, the nature of offences, only based on the confession statement of co-accused, this petitioner has been arrayed as an accused in this case, no contraband was recovered from this petitioner, though the petitioner has some previous cases, in all those cases, the



CRL O.P. No.30076 of 2024

petitioner was granted bail and considering the incarceration period of the petitioner from 27.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **XIV Metropolitan Magistrate Court, Egmore, Chennai** and on further conditions that:

[b] the petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

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



CRL O.P. No.30076 of 2024

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[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023..

20.01.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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CRL O.P. No.30076 of 2024

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- 1.The XIV Metropolitan Magistrate Court, Egmore, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector Of Police, F2 Egmore Police Station, Chennai - 600 008.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J
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CRL O.P. No.30076 of 2024

6/7



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CRL O.P. No.30076 of 2024

20.01.2025