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Crl.O.P.No.32023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 32023 of 2024

Reshma

... Petitioner

Vs.

The State Rep by
The Inspector of Police,

D-4 Zam Bazaar Police Station,
Chennai. (Crime No.126 of 2024)

...Respondent

For Petitioner : Mr.K.Vignesh

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

ORDER

Apprehending arrest in connection with Crime No.126 of 2024 registered for the offences punishable under Sections 8(C), 20(b), 25 and 29(1) of NDPS Act, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He submits that the petitioner/A4 had been



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falsely implicated based on the confession recorded from the arrested accused from whom contraband had been recovered and no previous case as against the petitioner is pending. He further submits that the petitioner got married very recently and she is in the family way. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the contraband viz., Nitravet Tablets(10mg)-14, Tydol Tablets(100mg)-20, Tentadol Tablets(100mg)-10 had been seized from the A1-Mohammed Samir Uddin, which falls under intermediate quantity and the petitioner is the supplier and no previous case is pending against her.

4.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to her defense and contention, is ready and willing to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. Hence, he prayed for grant of anticipatory bail to the petitioner.



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5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- as non refundable deposit to **"The Tamil Nadu State Legal Services Authority, Chennai"**, without prejudice to her rights and contentions before the trial Court.

7.Merely because the petitioner deposits the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

8.Taking into consideration the facts of the case, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees five Thousand only)** directly to the credit



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of "**The Tamil Nadu State Legal Services Authority, Chennai**",

without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, 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 of receipt of a copy of this order, before the **learned 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 said Magistrate, on further condition that:

[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 her Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30a.m., for a period of one week and thereafter, every Saturday at 10.30a.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



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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 of BNS.

24.01.2025

raa

To

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police, D-4 Zam Bazaar Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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