



CRL OP (MD) No.4983 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4983 of 2025

Rema

... Petitioner/Sole Accused

Vs

State of Tamil Nadu

Rep. by The Inspector of Police,

Natchiyarkovil Police Station,

Thanjavur District.

Crime No.47 of 2025

... Respondent/Complainant

For Petitioner : Mr.Gurumoorthy.S,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

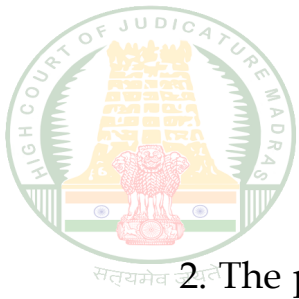
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.47 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/ sole Accused was arrested and remanded to judicial custody on 23.01.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act, 1985, in Crime No.47 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 23.01.2025, at about 14:30 hours, based on secret information, the defacto complainant, the Special Sub-Inspector of Police, along with a police team, was conducting surveillance near the Tea Shop Bus Stop, Muthupillaimandapam, on Kariyakali Main Road. At that time, the respondent-police saw the petitioner standing near the said tea shop. On seeing the police party, she attempted to escape from the spot. However, the respondent-police apprehended her. Upon searching her bag, they found that she was in possession of 2 kgs of ganja. Thereafter, the respondent-police arrested the petitioner and seized the contraband from her. Hence, the case.

4. Mr.S.Gurumoorthy, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 23.01.2025 and is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor



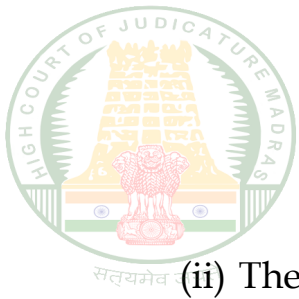
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appearing for the respondent-police, submits that there are four previous cases pending against the petitioner, which are not similar in nature. He further submits that the alleged contraband has been recovered from the accused person at the spot. He further submits that if bail is granted to the petitioner, she may abscond and thereby cause a delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was arrested on 23.01.2025 and has been in judicial custody since then. The petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and the fact that the alleged contraband, which is admittedly an intermediate quantity, has been recovered from the petitioner, and with a view to give one more opportunity to the petitioner to reform herself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam;



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(ii) 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 Judicial Magistrate No.II, Kumbakonam, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.II, Kumbakonam,;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Kumbakonam, on all working days, at 10.30 a.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of she is accused, or suspected, of the commission of which she is suspected;

(vii) 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;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, learned Judicial



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Magistrate No.2, Kumbakonam, is entitled to pass appropriate orders against the
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petitioner in accordance with law as if the aforementioned conditions are imposed by
him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala
[(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the
conditions stated supra.

sd/-
03/04/2025

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04/04/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg
TO

- 1.The Judicial Magistrate No.II, Kumbakonam.
 - 2.Do through The Chief Judicial Magistrate, Kumbakonam.
 - 3.The officer-in-charge, Women's Jail, Trichy.
 - 4.The Inspector of Police,
Natchiyarkovil Police Station, Thanjavur District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.GURUMOORTHY, Advocate (SR-3829[I] dated 03/04/2025)



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ORDER

IN

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Date :03/04/2025

NBF/SAR/ (04/04/2025) 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023