



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Third day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10704 of 2015

RAJESWARI

..PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
(CR.NO. 129/2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate
For Respondent : MR.K.V.RAJARAJAN,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the sole accused in Crime No.129 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 29.05.2015 for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) of Narcotics Drug and Psychotropic Substance Act, and hence, seeks bail.

2.The case of the prosecution is that the accused were found in possession of 60 kgs of ganja.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that as per the prosecution, when the respondent police are conducting vehicle check up on 19.03.2015, the petitioner pushed the respondent police and flee away from the scene of occurrence, which can not be believed. He further submitted that the respondent has seized the contraband on 19.03.2015, but they produced 'Form 91' before the Judicial Magistrate Court and the same was returned on 23.03.2015 with a direction to produce the 'Form 91' along with the property. However, the respondent police has produced the contraband before the Special Court only on 06.04.2015. On



06.04.2015, the contraband was produced before the Special Court and the prosecution has not explained the delay of producing the contraband before the Special Court. He further submitted that in similar circumstances, this Court has granted bail to the other accused in CrI.O.P.(MD).No.18641 of 2014.

4.Per contra, the learned Government Advocate (CrI.side) would submit that the accused are mother and son and the petitioner/A1 is having two previous cases of similar in nature in Crime Nos.110 and 240 of 2012. He further submitted that there is no delay in producing the contraband before the Special Court and as per section 37 of NDPS Act, she is not entitled for bail.

5.However in similar circumstances, this Court has granted bail to the accused in CrI.O.P.(MD).No.10459 of 2015 and therefore, this Court is inclined to enlarge the petitioner on bail on the following conditions. Accordingly, the petitioner is directed to be released on bail on executing 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 Additional District Judge of Principal Special Court for EC & NDPS Act Cases, Madurai and on further condition that the petitioner shall report before the respondent police daily twice ie., at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-
03/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE OFFICER-IN-CHARGE,
SUB JAIL, NILAKOTTAI.

4 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, THENI DIST.

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.36076

<https://hcservices.ecourts.gov.in/hcservices/> akm/03.07.15 /2p-6c/

ORDER
IN
CRL OP(MD) No.10704 of 2015
Date :03/07/2015