



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

Thursday, the Thirteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13531 of 2015

DEEPA

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
THENI NIBCID POLICE STATION, THENI DISTRICT.
IN CRIME NO. 84 OF 2015,

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

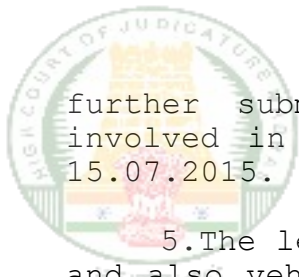
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A2 in Crime No.84 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 01.07.2015 for the alleged offences punishable under Section 8 (c) r/w 20(b)(ii)(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, and hence, seeks bail.

2.According to the prosecution, on 14.05.2015, the respondent police went to Kambam Manikattai Alamaram and on the identification by the secret informer, the respondent police intercepted one Swift Dzire car bearing Registration No.TN01 AA 3694 and on seeing the police party, the driver of the car escaped from the scene of occurrence and the respondent police found 10 small bags of ganja, totally 192 kgs.

3.The learned counsel for the petitioner submitted that admittedly at the time of occurrence, the petitioner was not present in the scene of occurrence and later, the respondent police identified that the escaped person is one Eswaran S/o.Periyasamy and subsequently, the petitioner was arrested by the Inspector of Police, NIB CID, Dindigul for alleged possession of 10 kgs of ganja and on the basis of the confession extracted in the case, she is implicated in this case.

4.The learned counsel further submitted that the confession given by the accused in that case, did not lead to recover of any contraband and moreover, the confession recorded in another case, cannot be used in this case to confine the petitioner in judicial custody. It is further submitted that except the confession, there is no material to show that the involvement of the accused in this case. The learned counsel



further submitted that the petitioner was granted bail in the case involved in Dindigul Police Station in Crl.O.P.(MD).No.13330 of 2015 on 15.07.2015.

5.The learned Government Advocate (Crl.side) filed a counter statement and also vehemently opposed the bail petition stating that the contraband involved in this case is in commercial quantity and as per Section 37 of NDPS Act, the accused is not entitled for bail.

6.As rightly contended by the learned counsel for the petitioner that there is no material against this petitioner to implicate in this Crime No.84 of 2015, except the confession given by the petitioner in Crime No.79 of 2015 on the file of the Inspector of Police, NIB CID Police Station, Dindigul.

7.Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail on condition that 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 Additional District and Sessions Judge Special Court for EC and NDPS Act Cases, Madurai and on further condition that the petitioner shall reside at Dindigul and report before the Inspector of Police, NIB CID Police Station, Dindigul daily twice ie., at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-

13/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE SPECIAL COURT FOR EC AND NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE, NIB CID POLICE STATION, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
THENI NIBCID POLICE STATION, THENI DISTRICT.
- 5 THE OFFICER INCHARGE, SUB JAIL , NILAKKOTTAI.

+1. CC to M/S.R.ANAND Advocate SR.No.46293.

TS/13.08.2015/2P - 7C KBM/SAR -II