



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

Thursday, the Twenty Sixth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22111 of 2015

JEYA

... PETITIONER / ACCUSED No.5

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

THANUSKODI POLICE STATION,

RAMANTHAPURAM DISTRICT.

IN CR.NO. 68 OF 2014 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.LAWRANCE Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

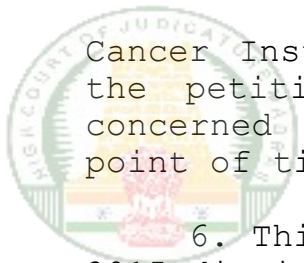
The petitioner, who is arrayed as fifth accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and Section 25 of NDPS Act in Crime No.68 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused were found in joint possession of 92 kgs of Ganja.

3. The case of the petitioner is that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case based on confession of co-accused. The petitioner is suffering from cancer and now she is taking treatment in Censer Institute (WIA), Chennai.

4. This Court by order dated 22.09.2015 granted anticipatory bail to the petitioner in Crl.O.P.No.17715 of 2015 and the petitioner could not furnish sureties as directed by this Court and the petitioner filed M.P.No.1 of 2015 for extension of time. This Court by order dated 05.11.2015 dismissed the same on the ground that anticipatory bail was automatically dismissed on failure of the petitioner to furnish sureties. Now, the petitioner has come out with the present petition for grant of anticipatory bail.

5. The learned counsel for the petitioner submitted that the petitioner could not furnish sureties as she is suffering from Cervic Cancer (3rd stage) and she is periodically taking treatment in



Cancer Institute (WIA), Chennai as in-patient for three years and the petitioner was not in a position to surrender before the concerned court by producing necessary sureties at the relevant point of time and she underwent for radiation therapy treatment.

6. This Court by order dated 25.11.2015 in CrI.O.P.No. 19660 of 2015 dismissed the bail petition filed by co-accused. But in so far as the present petitioner is concerned, this Court has already granted anticipatory bail to the petitioner by order dated 22.09.2015 in CrI.O.P.NO.17715 of 2015 on condition that she shall execute sureties within fifteen days from that day but the petitioner could not produce sureties as she was taking treatment for her illness.

7. Considering the fact that this Court has already granted anticipatory bail to the petitioner and considering the fact that this Court has satisfied with the reasons given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai, and 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 Judge concerned and on further condition that the petitioner shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner shall appear before the concerned Judge, within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
26/11/2015

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER, SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.
 - 2 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 3 THE INSPECTOR OF POLICE
THANUSKODI POLICE STATION, RAMANTHAPURAM DISTRICT.
- +1. CC to M/S J.LAWRANCE Advocate SR.No.67737

ORDER
IN
CRL OP(MD) No.22111 of 2015
Date :26/11/2015