



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

Friday, the Twenty Seventh day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.22444 of 2015

RAJESWARI

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
CUMBUM POLICE STATION,
THENI DISTRICT.
(CRIME NO. 431 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.POORNA CHANDRAN Advocate

For Respondent : M/S.K.Anbarasan Government 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 A2 in Crime No.431 of 2015 on the file of the respondent police apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w Section 20B(ii)(b) and Section 25 of NDPS Act, and hence, seeks anticipatory bail.

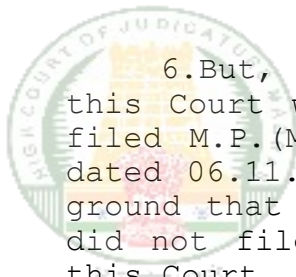
2.The case of the prosecution is that on 06.09.2015 the respondent police while inspecting the vehicle, they found 10 kgs of ganja and the petitioner ran away from the scene of occurrence and one person was arrested and the case was registered for offence under Section under Sections 8(c) r/w Section 20B(ii)(b) and Section 25 of NDPS Act.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated, based on the confession of A1.

4.The learned Government Advocate (Crl.side) would submit that the petitioner was found in possession of 10 kgs of ganja.

5. The learned counsel for the petitioner submitted that already this Court by order dated 29.09.2015 granted anticipatory bail to the petitioner in Crl.O.P.No.18076 of 2015 on the following condition;

"Accordingly the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the Special Judge for EC and NDPS Act cases, Madurai 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 concerned Court and on further condition that the petitioner shall appear before the respondent police daily twice at 10.00 a.m., and 05.00 p.m., until further order. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously."



6. But, the petitioner did not comply with the condition imposed by this Court within the time stipulated by this Court. Therefore, she has filed M.P.(MD).No.1 of 2015 for extension of time. This Court by order dated 06.11.2015 dismissed the petition in M.P.(MD).No.1 of 2015 on the ground that the petitioner did not appear before the Court concerned and did not file petition for extension of time within the time granted by this Court.

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7. Now, the petitioner has come out with present petition for anticipatory bail on the ground that due to her illness, she could not execute the sureties. Considering the facts and circumstances of the case and being satisfied with the reasons given by the petitioner and also considering the fact that this Court already granted anticipatory bail to the petitioner in Crl.O.P.(MD).No.18076 of 2015, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Special Judge for EC and NDPS Act Cases, Madurai 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily twice at 10.00 a.m, and 05.00 p.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. The petitioner shall appear before the concerned Magistrate 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.

10. The petitioner shall execute the sureties before the Court concerned on or before 11.12.2015.

sd/-
27/11/2015

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

TO

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

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

3 THE INSPECTOR OF POLICE, CUMBUM POLICE STATION,
THENI DISTRICT.

+1. CC to M/S S.POORNA CHANDRAN Advocate SR.No.67932.

TS/07.12.2015/2P-5C/DP-JGB/SAR - II