



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4287 of 2015

ESWARI

... PETITIONER/ ACCUSED No.3

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
(CRIME NO. 16 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

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

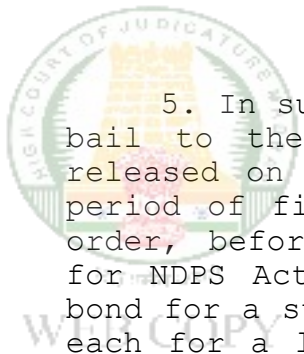
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.16 of 2015, on the file of the respondent police for the offence under Sections 8(c) r/w.20(b)(ii)(B) of NDPS Act, the petitioner is now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (crl. side) appearing for the respondent police.

3. This is second anticipatory bail application. The first anticipatory bail application was dismissed on 11.02.2015 on the ground that there was one previous case against this petitioner in Crime No.202 of 2014.

4. Today, the respondent police have filed a counter affidavit in which they have stated that on 06.01.2015 at about 8.15 a.m., the police intercepted the first accused while he was carrying 3 kgs of Ganja and registered a case in Crime No.16 of 2015. Based on the confession of the co-accused, this petitioner is being implicated. It has been stated by the investigating officer in paragraph No.7 that there is no previous case against the petitioner. It was inadvertently mentioned earlier that this petitioner was involved in Crime No.202 of 2014. Now, it has been clarified that Eswari who is the accused in Cr.No.202 of 2014 is not the petitioner herein. This Court places on record its appreciation for the fair manner in which the Investigating Officer has filed the status report before this Court and placed the true facts.



5. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the Additional District Court for Principal Special Court for NDPS Act Cases, Madurai on condition that the petitioner executes 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial;

[d] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
09/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE PRINCIPAL SPECIAL COURT FOR NDPS ACT CASED, MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE INSPECTOR OF POLICE CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.11118.

TS/12.03.2015/2P-5C

ORDER IN
CRL OP(MD) No.4287 of 2015
Date :09/03/2015