



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

Thursday, the Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.14528 of 2016

AMARAVATHY,

..PETITIONER/ACCUSED

Vs.

STATE REP.BY  
THE INSPECTOR OF POLICE,  
CUMBUM NORTH POLICE STATION,  
THENI DISTRICT.  
CR.NO.16 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused, who was arrested and remanded to judicial custody on 12.01.2016 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act, in Crime No.16 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 21 kgs of Ganja.

3.The learned counsel for the petitioner submitted that in this case, the provision of search under Section 50 of the NDPS Act, has not been strenuously followed by the Investigating Officer. The petitioner is in judicial custody from 12.01.2016.

4.The learned Government Advocate (Crl. Side) filed his counter and submitted that the petitioner is a habitual offender and she is having one previous case and investigation is almost over.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 12.01.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:-

(i) the petitioner shall execute a bond for a sum of

**Rs.25,000/- (Rupees twenty five thousand only)**

with two sureties each for a like sum to the



satisfaction of the learned Additional District Judge for Principal Special Court for NDPS Court, Madurai.

(ii) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

06/10/2016

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT JUDGE FOR PRINCIPAL SPECIAL COURT  
FOR NDPS COURT, MADURAI.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.R.ANAND Advocate SR.No.59739

ORDER IN

CRL OP(MD) No.14528 of 2016

Date :06/10/2016

PBK/CK/SAR-I 06/10/2016 ::2P-6C: