



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.264 of 2018

MARIAMMAL

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NIBCID POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.51 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.KARUNANITHI, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

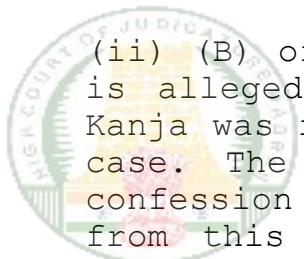
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 8(C) r/w 20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substance Act, 1985, in Crime No.51 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.08.2017, one Muneeshwaran, who is arrayed as A3 in this case, was found in possession of 1.350 kilograms of Kanja and the respondent police seized the contraband and arrested the said person and remanded him to judicial custody. Thereafter, based on the confession given by him, the petitioner and her husband was implicated in this case. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and she is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the contraband was seized and the investigation is still pending. He further submitted that the petitioner is having two previous cases for the similar offence.

5.The admissions made by the learned counsel on either side are considered. This case has been registered against the petitioner for the offences punishable under Section 8(C) r/w 20(b)



(ii) (B) of Narcotic Drugs and Psychotropic Substance Act, 1985. It is alleged that the contraband weighing about 1.350 kilograms of Kanja was recovered from A3, who is the another one accused in this case. The petitioner was implicated in this case based on the confession given by the co-accused. So, nothing has to be recovered from this petitioner by way of interrogation. Even though the petitioner is having two previous cases, those cases are pertaining to the year of 2011 and 2016. However, since the contraband materials is not recovered from this 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Learned Special Court for E.C. and NDPS Act cases, Pudukkottai, on condition that 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-

18/01/2018

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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 AN NDPS ACT CASES, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
NIBCID POLICE STATION, RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.KARUNANITHI Advocate SR.No.1071

ORDER IN

CRL OP(MD) No.264 of 2018

Date :18/01/2018