



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

Friday, the Ninth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3730 of 2018

RAMALAKSHMI

...PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.24 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.RAJAGURU Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as A-1 in Crime No. 24/2018 of Sindhupatti Police Station, for the alleged offences under Sections 8(c), read with 20(b) (ii) (B) of NDPS Act, she has filed this application for grant of bail.

2.The case of the prosecution is that on 28.01.2017, the respondent police conducted a raid in the Nattarmangalam Village and found that the petitioner and other accused transported the ganja weighing about 10.240 Kgs. Hence, the respondent police registered a case as against the petitioner and other accused and the petitioner was arrested on 28.01.2018.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case and she has no way connected with the alleged offence.

4.The learned Additional Public Prosecutor submitted that totally there are three accused in this case. This petitioner arrayed as A3. A1 and A2 were already arrested and remanded to judicial custody on 28.01.2018 and this petitioner was arrested on



12.02.2018. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. The respondent police has registered a case against three persons in Crime No.24 of 2018, in which, the petitioner added as first accused. Now, the petitioner was arrested and remanded to judicial custody on 28.01.2018. According to the case of the prosecution the petitioner and other two accused found in possession of 10.800 Kgs of Ganja. Now, the said contraband materials were recovered. Considering the quantity which was possessed by the accused are not comes under the category of commercial quantity. Even though the investigation is pending, considering the period of incarceration, further custodial interrogation may not necessary for completing the investigation.

6.Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioner. 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 Principal Special Court for EC & NDPS Act Court, Madurai.

(ii)the petitioner is directed to appear before the respondent police daily at 10.00 a.m. and 05.00 p.m., until further orders;

(iii)the petitioner shall not tamper with the 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 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 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/-

09/03/2018

/ TRUE COPY /



TO

1 THE PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT COURT,
MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.3797

ORDER

IN

CRL OP(MD) No.3730 of 2018

Date :09/03/2018

AM/SKN RSK/SAR 4/09.03.2018/3P/6C