



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP (MD) No.20431 of 2018

ASAITHAMBI

... PETITIONER / ACCUSED NO.5

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
USILAI TOWN POLICE STATION,  
MADURAI DISTRICT.  
CRIME NO.328/2012

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.PON MANOHARAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

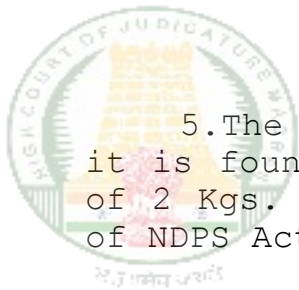
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 05.04.2017 for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of Narcotic Drug and Psychotropic Substance Act in Crime No.328 of 2012, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused are in illegal possession of ganja and total quality of ganja involved in this case is 100 Kgs. As regards this petitioner it is only 2 Kgs.

3.The learned counsel appearing for the petitioner would submit that this Court earlier granted anticipatory bail vide order dated 18.12.2012 in CrI.O.P.(MD)No.18995 of 2012 and thereafter, charge sheet came to be filed in this case and he has been regularly appeared before the Court below however, the petitioner was absent one hearing on 21.01.2015 and hence NBW came to be issued. The quantity involved in this case is not a commercial quantity.

4.The learned Additional Public Prosecutor for the respondent submitted that this is a case of NDPS and 100 kgs of ganja involved in this case.



5. The certified copy of the Lower Court charge was produced and it is found that the petitioner is facing the charge of possession of 2 Kgs. of Ganja for offence under Section 8(c) r/w 20(b) (ii) (B) of NDPS Act.

6. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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 Principal Session Judge for NDPS Act cases, Madurai and on further condition that:

[a] the petitioner shall appear before the concerned court on all hearing without fail.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/12/2018

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SESSION JUDGE FOR NDPS ACT CASES, MADURAI
2. THE INSPECTOR OF POLICE,  
USILAI TOWN POLICE STATION, MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.PON MANOHARAN Advocate SR.No.23115

ORDER IN

CRL OP(MD) No.20431 of 2018

Date :12/12/2018