



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

Wednesday, the Thirteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3387 of 2019

DEVAKI

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
(CRIME.NO.332/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.KRISHNAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI 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 alleged offences under Sections 8(c), 20 ((b)(ii)(B) of NDPS Act 1985, in Cr.No.332 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is said to have supplied Ganja to A1 for selling purpose. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. The petitioner was falsely implicated in this case. The petitioner is the mother-in-law of the A1. Due to family dispute, whenever, the A1 was caught hold by the respondent police, he implicated the present petitioner also. There are two cases are pending against the petitioner. There also based on the confession the petitioner was implicated as accused. Moreover, the A1 was released on bail. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner is the son-in-law of the A1. On the confession made by the A1 the petitioner was implicated in this case. The co-accused in this case has been released on bail by



the trial Court.

5. Considering the facts and circumstances of the case and since on the confession of A1 only the petitioner was implicated in this case and there is no recovery from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Sessions Court for (EC & NDPS) Cases, Madurai, on condition that the petitioner shall execute 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the concerned trial Court as and when required for interrogation;

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

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

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/03/2019

/ TRUE COPY /

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



TO

1 THE SESSION JUDGE,
SPECIAL SESSIONS COURT FOR (EC & NDPS) CASES,
MADURAI.

2 THE INSPECTOR OF POLICE
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.

3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.KRISHNAN Advocate SR.No.4984

PS/JC/SAR-2/3P/5C

ORDER

IN

CRL OP (MD) No.3387 of 2019

Date :13/03/2019