



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.6746 of 2019

Lavanya

... Petitioner/ 2nd Accused

Vs

State Rep.by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Crime No.91/2019.

... Respondent/Complainant

For Petitioner : M/s.S.Muniyandi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.91/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused No.2 seeking bail for the alleged offence punishable under Section 8 (c) r/w 20 (b) (ii) (c) of NDPS Act, in Crime No.91 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in this case. He further submitted that at the time of incident, in the spot, the petitioner was present with co-accused and contraband totally weighing 21.200 kilograms was recovered from the possession of the co-accused. The learned counsel has further submitted that the petitioner is in custody from 02.02.2019 onwards and the petitioner was only present with the co-accused and no recovery was made by the respondent police from the petitioner and no previous case is pending as against the petitioner. Therefore, he prayed to grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein is the wife of the first accused and hence, he opposed the petition to grant bail to the petitioner. However, he fairly conceded that there is no previous case is pending against the petitioner.

WEB COPY

5. But, the learned counsel appearing for the petitioner has submitted that the petitioner is the wife of one Rajapandi and not the wife of the first accused and hence, she is no way connected with the first accused.

6. The only allegation against A2 is that she was present along with A1 and no recovery has been made from A2. The recovery was only made from A1. As per the prosecution case, A2 is the wife of A1. But, according to the learned counsel for the petitioner, A2 is the wife of one Rajapandi and she is no way connected with A1 and no previous case is pending against the the petitioner. Taking into consideration of the above facts and also the fact that no previous case is pending against the petitioner and no recovery has been made from A2, this Court is satisfied that there are reasonable grounds for believing that she is not guilty of such offence and that she is not likely to commit any offence while on bail as envisaged under Section 37 1) (b) (ii) of NDPS Act. Hence, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]the petitioner is ordered to be released on bail on their 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 Additional District Judge/Principal Special Court for Ec and NDPS Act Cases, Madurai.

[b]the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[d]the petitioner shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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

sd/-

17/06/2019

/ TRUE COPY /

WEB COPY

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

TO

1. THE ADDITIONAL DISTRICT JUDGE/
PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.
2. THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN,
MADURAI.
3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.9795

ORDER

IN

CRL OP (MD) No.6746 of 2019

Date :17/06/2019

MS/VR/SAR-1/17.06.2019/3P.6C