



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6785 of 2019

Pandi Selvi

... Petitioner/Accused No.2

Vs

State rep.by its,
The Inspector of Police,
Sellur Police Station,
Madurai City.
Cr.No.2007 of 2018.

... Respondent/Complainant

For Petitioner : M/s.P.Muthupandi,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no.2007 of 2018 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(C), 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.2007 of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and she has been falsely implicated in the above case. He has further submitted that even as per the FIR, three persons having found in joint possession of 1.150 Kgs of ganja and the said quantity comes within the category of intermediate quantity. He further submitted that already A1 and A3 were arrested and subsequently, they were released on bail. He further submitted that the petitioner is no way connected with the above case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that totally three accused involved in the above case and all of them were in joint possession of 1.150 Kgs of ganja and on seeing the police the petitioner escaped from the scene of occurrence, the other two accused were arrested and remanded to judicial custody and subsequently, they were released on bail. However, he fairly conceded that no previous case is pending against the petitioner.

5. Taking into consideration of the submission made by the learned Additional Public Prosecutor that all the three accused were in joint possession of 1.150 Kgs of ganja and the said quantity comes within the category of intermediate quantity and also the fact that already A1 and A3 were arrested and they were released on bail and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. 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 Special District Sessions Court for NDPS Act 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with 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 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].



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

sd/-
10/06/2019

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

TO

1. THE SPECIAL DISTRICT SESSIONS JUDGE,
NDPS ACT CASES, MADURAI

2. THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S.P.MUTHUPANDI Advocate SR.No.9478

ORDER
IN
CRL OP(MD) No.6785 of 2019
Date :10/06/2019

VSG
PK/JC/SAR-2/19.06.2019 : 3P/5C