



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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.20924 of 2018

U.PANDIYAMMAL

... PETITIONER /3rd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.
IN CRIME NO.399 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.SELVAN, Advocate

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

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 offence under Sections 8(c) r/w 20 (b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Cr.No.399 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 25.11.2017, the Inspector of Police, Sempatti Police Station, conducted a raid in front of the house of A3 and found three pockets of ganja, in which, two pockets contains 10 kg of ganja and another pocket contains 6 kg of ganja. Totally 26 kgs of ganja was seized.

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. He would further submit that the co-accused in this case have already been enlarged on anticipatory bail by this Court in Crl.O.P.(MD)Nos.1486 & 1616 of 2018 on 02.02.2018 and hence, he would pray for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is not having any previous case and that investigation is pending.



5.Considering the facts and circumstances of the case and considering the fact that co-accused have already been enlarged on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

4.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 Court for EC and NDPS Act, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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]** ;

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

sd/-

11/02/2019

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDGE FOR EC AND NDPS ACT, MADURAI.

2 THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to Mr.T.SELVAN, Advocate SR.No.2825

ORDER IN

CRL OP(MD) No.20924 of 2018

Date :11/02/2019