

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No. 7637 of 2020

Asha

... Petitioner

-Vs-

The State rep. By Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
(Crime No.147 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.147 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

O R D E R

The Petitioner, who is the single accused in Crime No. 147 of 2020 for the alleged offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, was arrested on 10.03.2020.

2. The case of the prosecution is that based on the information of the police informer, on 10.03.2020, the respondent police found the petitioner was in possession of 2 Kg 350 Grams of Ganja for selling. The respondent police arrested the petitioner/accused and seized 2 Kg. 350 Grams.

3. The learned counsel for the Petitioner submits that the petitioner has been falsely implicated in this case. The petitioner was arrested earlier in two cases similar in nature and thereafter, she has not indulged in any such activities. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that on information from the police informer, on 10.03.2020, the respondent police conducted search at the residence of the petitioner and the petitioner was enquired. During enquiry, it was found that the petitioner was in possession of 2.350 Kgs Ganja for selling and the

same was seized by the respondent police. The petitioner has been involved in two other cases in Crime No.594 of 2019 (1.3 Kg of Ganja) and Crime No.26 of 2020 (50 gms of Ganja and 10 Liters of Illicit arrack), which are similar in nature. Hence, he objected for the grant of bail to the petitioner.

5. Taking into consideration the submissions made on either side and the fact that the Petitioner being a lady, she has to take care of her family and the period of incarceration from 10.03.2020, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

(a) the Petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the concerned prison in which the Petitioner has been confined on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the Petitioner shall not commit any offences of similar nature;

(e) the Petitioner shall not abscond either during investigation or trial;

(f) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall report before the respondent police as and when required for interrogation.

(h) 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];

(i) if the accused thereafter absconds, a fresh F.I.R. can be registered under Section 229A I.P.C.

6. This Criminal Original Petition is ordered accordingly.

-sd/-
20/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE FOR EC ACT
CASES, SALEM

2 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVANNAMALAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, FOR WOMEN, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to SATHIYARAJ E. Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.7637/2020
Date :20/05/2020

RD 04/08/2020