

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17486 of 2020

Manimegalai @ Manju

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Thadagam Police Station,
Coimbatore District.
(Crime No.357 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in pending Crime No.357 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.09.2020 for the offences punishable under Section 8(c), 20(b)(ii)(B) of NDPS Act, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Inspector of Police, Thadagam Police Station is that he received a secret information that two women are selling Ganja near Thippanur Guruvammal Temple. Thereby, he along with other police party went to the location and found the petitioner along with other accused in illegal possession of 1.300 kgs. of Ganja and they were arrested with an amount of Rs.26,320/- which was proceeds towards sale of Ganja.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. In fact the other accused Thenmozhi is the Aunt of the petitioner and when the petitioner had gone to shop, she had met the said Thenmizhi and given lift to her who came with a bag. Thereafter, they were intercepted by the respondent police and the

said Thenmozhi was arrested for having found in possession of Ganja and since the petitioner accompanied her, she was also arrested by the respondent. He would further submit that the petitioner has no bad antecedents and that she has been suffering incarceration for more than 40 days from 24.09.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently opposed stating that the petitioner along with her Aunt Thenmozhi was found in possession of 1.300 kgs. of Ganja. He would further submit that as far as this petitioner is concerned, there is no previous case against her and there are two previous cases pending as against the other accused Thenmozhi.

5.Taking into consideration of the facts and submissions made by the learned counsel and the fact that there is no previous case against the petitioner and also considering the period of incarceration suffered by the petitioner from 24.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a likesum sum to the satisfaction of the Judicial Magistrate-VI, Coimbatore, and on further conditions that;

(b) 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;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

(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) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
06/11/2020

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 JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THADAGAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. R.VIJAYAKUMAR Advocate on payment of necessary charges SR.No.7365

WEB COPY

CRL OP.17486/2020

Date :06/11/2020

cs 09/11/2020