



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

Date : 29/01/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

WEB COPY

CRL OP(MD). No.702 of 2020

Nathiya

... Petitioner/Accused-3

Vs

The State Represented by the
Inspector of Police,
Vellipalayam Police Station,
Nagapatinam District.
(In Crime No.286 of 2018).

... Respondent/Complainant

For Petitioner : M/s.R.Karunanidhi,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.286 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 20.12.2019 for the offences punishable under sections 8(c) r/w 20(b)(ii)(c) of NDPS, Act, 1985, in Crime No.286 of 2018 on the file of the respondent police. She seeks bail.

3.The petitioner is having two other cases. But they were registered only subsequently.

4.The petitioner's counsel points out that co-accused have already been granted bail by the Sessions Court. But it appears to be a case of statutory bail. It is further contended that even though the case was registered way back in the year 2018, the contraband is yet to be produced before the Court below.



5.This has not been rebutted by the respondent.

6. The omission to produce the contraband before the Special Court even after the lapse of several months, impels this Court to come to the conclusion that the petitioner is not likely to have committed the offence in question.

7.Even according to the prosecution, the recovery is not from the petitioner herein. Therefore, the tests set out in Section 37 of the NDPS Act are satisfied in this case.

8. The petitioner is a middle aged lady. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 learned Additional District Sessions Court/Special Court under E.C.and NDPS Act, Thanjavur, Nagapattinam.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
29/01/2020

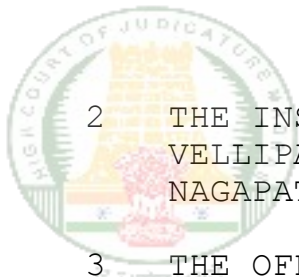
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT UNDER E.C. AND NDPS ACT,
THANJAVUR, NAGAPATTINAM.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE INSPECTOR OF POLICE
VELLIPALAYAM POLICE STATION,
NAGAPATINAM DISTRICT.

3. THE OFFICER IN CHARGE,
SUB JAIL FOR WOMEN, THIRUVARUR.

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

+1 CC to M/s.R.KARUNANITHI, Advocate (SR-1788[I] dated 29/01/2020)

ORDER

IN

CRL OP(MD) No.702 of 2020

Date :29/01/2020

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ES/PN/SAR 2/30.01.2020/3P/6C