



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23396 of 2021

Karthika

... Petitioner

Versus

State Rep by
The Inspector of Police
Mayiladuthurai Police Station,
Mayiladuthurai.
(Crime No.1783 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.1783 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.Saraboji

For Respondent : Mr. A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 8(C) and 20(b)(ii)(B) of NDPS Act Crime No.1783 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, the Sub Inspector of Police/defacto complainant conducted raid and recovered 1.100 Kg of Ganja from one R.Vijay/A3 and he informed that he has received it from A1 and his wife A2/petitioner. Based on the confession statement of A3, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and based on the confession statement of A3, she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that A1/ husband of the petitioner is a history sheeter and there are three previous cases pending against him. He further submits that there are no previous cases pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. Considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate No.I, Mayiladuthurai 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police on every Wednesday and Saturday 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]; and;

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

-sd/-

17/12/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. SARABOJI Advocate on payment of necessary
charges Sr.15028

CRL OP.23396/2021

Date :17/12/2021

RVR 29/12/2021