



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3340 of 2021

Panjarvarnam

... Petitioner/Accused No.1

Vs

The State rep.by,,
The Inspector of Police,
C5 Karimedu Police Station (Law and Order),
Madurai City
Crime No.1394/2020.

... Respondent

For Petitioner : M/s.Mohideen Basha.N,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 1394 of 2020 on the file of the
respondent Police.

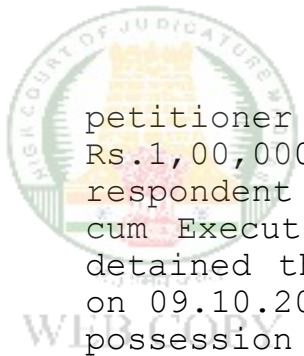
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 17.09.2020 for the offences punishable under Sections 8 (C)r/w.20(b)(ii)(B), 25, 29(1) of NDPS Act on the file of the respondent police in Crime No. 1394 of 2020 seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 2.200kgs of ganja. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against her. He would also submit that the Deputy Commissioner cum Executive Magistrate(L&O) had initiated proceedings under Section 110 of Cr.P.C in M.C.No.626 of 2020 on 10.06.2020 against this petitioner and directed the

<https://hcmv.judges.org/hcmv/judges>



petitioner to execute two sureties and personal bond for a sum of Rs.1,00,000/- for a period of one year. In the mean while the respondent police filed this false case and the Deputy Commissioner cum Executive Magistrate(L&O) Madurai City cancelled the bond and detained the petitioner under Section 122(1)(b) r/w.117 of Cr.P.C on 09.10.2020. He would also submit that the petitioner was found in possession of small quantity of ganja and she is in jail for more than five months, hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner was found in possession of 2.200kgs of ganja. He would also submit that the petitioner is having 36 previous cases of similar nature, hence he opposed to grant bail to the petitioner.

5. It is seen that the contraband seized from the petitioner is 2.200kgs, which is a small quantity Further 110 Cr.P.C Proceedings initiated against the petitioner in violation of the condition in M.C.No.626626 of 2020 had been quashed by this Court and the petitioner was arrested on 17.09.2020. Though the learned Government Advocate opposed to grant bail to the petitioner on the ground that the petitioner is having 36 previous cases from the list produced it is seen that 29 cases have been concluded either by admission or conviction and now only six cases are pending against the petitioner, in which two cases are under Section 110 of Cr.P.C and in the remaining four cases the contraband possessed by the petitioner is only small quantity.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the age of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on her executing 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 Special Court of EC and NDPS Act Cases, Madurai

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 until further orders except the days when her presence is required before the other court for hearing.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.



v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/03/2021

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

AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDGE,
SPECIAL COURT OF EC AND NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
C5 KARIMEDU POLICE STATION (LAW AND ORDER),
MADURAI CITY.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3340 of 2021

Date :16/03/2021

NR/VR/SAR-III(16.03.2021) 3P:5C