



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

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4181 of 2021

Sinthamani

... Petitioner/Sole Accused

Vs

State rep.by
The Sub-Inspector of Police,
NIB CID Police, Nagapattinam,
Nagapattinam District.
(In Crime No.1/2021).

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.1/2021 on the file of the Respondent police.

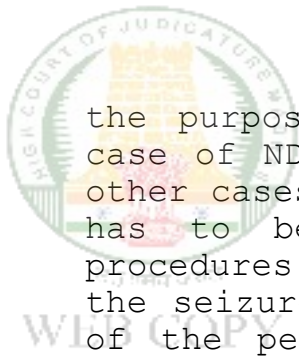
ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 28.01.2021 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.1 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1.600 kgs of Ganja. Hence, the crime has been registered.

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

4.The learned counsel appearing for the petitioner submitted that the petitioner is a lady and prohibition cases have been registered against her by Prohibition Enforcement Wing, Nagapattinam and Velipalayam Police Station. In most of the cases, either investigation referred or disposed of. For



the purpose of statistics, the petitioner has been implicated in case of NDPS. Other than this case, the petitioner is not having other cases of similar in nature. The petitioner is having son, who has to be taken care. He further submitted that statutory procedures not followed in this case. He further submitted that in the seizure memo, it is mentioned that contraband seized in front of the petitioner's house not from the petitioner. He further submitted that the petitioner was arrested on 28.01.2021 and she is in confinement from then on. The contraband involved in this case is 1.600 kgs, which is lesser than commercial quantity but slightly greater than small quantity and it is an inbetween quantity. Hence, he seeks bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the petitioner is a regular prohibition offender, who got 24 previous cases and CCTNS record produced. He further submitted that from the petitioner, 1.600 kgs of Ganja recovered, hence, he objected for grant of bail to the petitioner.

6.On a perusal of the materials available on records and CCTNS record, it is seen that except this case, all other cases are prohibition offences. It is also seen that the petitioner is a lady and contraband recovered from her is 1.600 kgs and that to in front of the petitioner's house not from the petitioner. From the confession, it is seen that the petitioner was having a white cover bag and from that bag contraband was seized.

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

8.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 Additional District and Sessions Judge/Special Judge under E.C Act cases, Thanjavur.

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 not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)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].

v) If the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

Sd/-
29/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL JUDGE UNDER E.C ACT CASES, THANJAVUR

2 THE SUB-INSPECTOR OF POLICE,
NIB CID POLICE, NAGAPATTINAM,
NAGAPATTINAM DISTRICT.

3 THE OFFICER INCHARGE,
WOMEN SUB JAIL, THIRUVARUR.

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

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-2652[I] dated
29/03/2021)

ORDER
IN
CRL OP(MD) No.4181 of 2021
Date :29/03/2021

VSG
MS/PN/SAR-1/29.03.2021/3P.6C