



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/11/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.16440 of 2021

1. M.Priya
2. M.Maheswari

... Petitioners/Accused Nos.3 & 4

Vs

The State rep.by
The Sub Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Cr.No. 401 of 2021.

... Respondent/Complainant

For Petitioners : Mr.J.JEYAKUMARAN,
Advocate.

For Respondent : RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.401 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.3 and 4, who were arrested and remanded to judicial custody on 10.09.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.401 of 2021 on the file of the respondent police, seek bail.

3. The case of the prosecution is that on 09.09.2021 at about 09.45 hours, when the respondent police was on raid, they found the petitioners are having 6.500 kgs of Ganja. Hence the complaint.

4.The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners are in judicial custody from 10.09.2021 onwards and hence, he seeks for grant of bail. He would further submit that they have not any previous case.

5.The learned Additional Public Prosecutor appearing for the respondent police submits that at the time of arrest the petitioners



are having 6.500 kgs of Ganja. He would further submit that the co-accused were already released on bail by the Special Court. He would also submit that this is the second bail application and the earlier application was dismissed as withdrawn.

6. Considering the facts and circumstances of the case and also considering the fact that the co-accused were released on bail by the Special Court and that the petitioners are not having any previous case, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal Special Court for EC & NDPS Act cases, Madurai and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police for interrogation daily at 10.30 am for a period of 30 days, thereafter, as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/11/2021

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/ /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 PRINCIPAL SPECIAL JUDGE FOR EC & NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT
CENTRAL JAIL (WOMEN)
MADURAI.

3 THE SUB INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.16440 of 2021

Date :08/11/2021

SA/VR/SAR.3/08.11.2021/3P/5C