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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17670 of 2021

J.Pavithra

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No. 622 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian M, Advocate.

For Respondent : M/s.P.Kottaisamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.622 of 2021 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/accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b), (ii) (B) and 29(1) of NDPS Act, 1985 in Crime No.622 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the accused persons were found in illegal possession of 2 kgs of Ganja. Hence, the complaint.



4. This petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 20.10.2021, considering the fact that though the petitioner was granted interim protection, she did not appear before the respondent police to co-operate with the enquiry. More over, one previous case is pending against her.

5. Now, the learned counsel for the petitioner submits that the another case registered against this petitioner ended in acquittal. Further, the alleged contraband of 2 kgs of ganja has been recovered only from the first accused and this petitioner was implicated in this case, through the confession statement of the co-accused.

6. Considering the submission made by the learned Counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is allowed and 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 Principal Special Court for EC and NDPS Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police as and when required.

[c] the petitioner shall not tamper with the 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]**.



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

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Sd/-
09/12/2021

/ TRUE COPY /

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

VRN

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 COURT FOR
EC AND NDPS ACT CASES,
MADURAI.
 2. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.JEGADEESH PANDIAN M Advocate SR.No.9057

ORDER
IN
CRL OP(MD) No.17670 of 2021
Date : 09/12/2021