



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5617 of 2022

JAYANTHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ERODE SOUTH POLICE STATION,
ERODE, ERODE DISTRICT.
(CR NO.224 OF 2021)

[RESPONDENT]

For Petitioner : M/S.D.SELVARAJU Advocate

For Respondent : MR.S.UDAYAKUMAR, Govt. Advocate (Crl. Side)

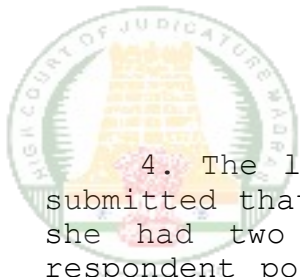
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8C read with 20(b)(ii) B of NDPS Act in Cr.No.224 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.06.2021, A1 was arrested for possession of 110 grams of Ganja and based on his confession, alleged to have recovered 1 Kg. Of Ganja, which he has concealed. The petitioner is the wife of A1 and she was implicated on the basis of a confession of her husband. Hence, the present complaint was registered against the petitioner also.

3.The learned counsel appearing for the petitioner submitted that the petitioner was implicated only on the basis of the confession of A1 and the respondent police have not recovered kanja from this petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate appearing for the respondent submitted that this is the 4th bail application of the petitioner and she had two previous cases pending against her. Till date, the respondent police have not taken any steps to secure the custody of the accused. In vestigation has almost completed. In the confession, A1 stated that they are selling kanja as family business. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Initially, the anticipatory bail petition of the petitioner was dismissed by this Court on 23.06.2021. Till date, the respondent police have not taken any steps to secure the accused. It shows that the respondent police has no interest to secure the custody of the accused. However, there is no recovery of Kanja from this petitioner, recovered only from A1. Hence, 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 learned Special Judge, NDPS Act cases, Coimbatore, 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 shall report before the respondent police daily 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.

WEB COPY

-sd/-
11/03/2022

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.

TO

1 THE SPECIAL JUDGE,
NDPS ACT CASES, COIMBATORE.

2 THE INSPECTOR OF POLICE,
ERODE SOUTH POLICE STATION,
ERODE, ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.SELVARAJU Advocate on payment of necessary charges SR.No.3867

CRL OP.5617/2022

Date :11/03/2022

CSK 23/03/2022