



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8913 of 2022

Nathiya

.. Petitioner

Vs.

1. State rep. by
The Inspector of Police,
Erode Taluk Police Station,
Erode District.
(Crime No.235 of 2021)

2. The Superintendent of Police,
Central Jail (Women's Cell),
Coimbatore.

.. Respondents

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.235 of 2021 on the file of the Respondent police.

For Petitioner : M/s.R.Sankarasubbu

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, was arrested and remanded to judicial custody in Crime No.235 of 2021, on the file of the respondent police on 20.03.2022 for the alleged offences punishable under Sections 8(c) read with 20(b)(ii)(c), 25 and 29(1) of NDPS Act and 120(B) and 212 of IPC.

2. On 23.05.2021, the respondent police seized 232 ½ Kg of Ganja from one Kesavan and his wife Brindha. Based on the information furnished by them, FIR was registered against them along with Madan, Gowri, Saravanan and Amir @ Ajeez. The last 4 of them were shown as



absconding accused, later Amir @ Ajeez was arrested on 15.07.2021, after executing PT warrant, since he was connected in Crime No.276 of 2022. While so, few more accused, based on the information given by the accused persons were arrested. At last this petitioner who is a practising advocate in Erode was arrested on 19.03.2022, based on the alleged confession given by co-accused Madan who was arrested on the same day at about 07.15 Hrs.

3. It is alleged by the respondent police that this petitioner had participated in the conspiracy between the other accused and invested Rs.1,00,000/- for procuring Ganja from Vishakapatnam and to sell it to the retailers through middle men. Further, it is also alleged that this petitioner has harboured the other accused Ezhilarasan, who is in close proximity with the accused persons and directly involved in the trafficking. Since, the quantity recovered in this case was over and above commercial quantity and the gravity of crime was more serious in nature, the respondent police had freezed the account of this petitioner soon after her arrest. Since it was unusual action on the part of the respondent police this Court called for the CD file and perused the same.

4. The learned counsel for the petitioner would submit that the petitioner herein is a M.L graduate have active practise in Erode and she has appeared for some of the accused in this case and has obtained bail. While so, to prevent her from extending her professional service to the accused person she has been falsely implicated in this case, by alleging confession statement from co-accused hastily her bank account was freezed and later defreezed on realising that the petitioner has no proceeds of crime in her account.

5. The learned counsel for the petitioner would further submit that the statement of two accused who were arrested along with the contraband and other two accused who were arrested subsequently had not wished about this petitioner, two of the arrested accused were granted default bail by the trial Court and few other accused were also granted bail. In all those cases this petitioner was counsel on record. Further, it is also submitted that the petitioner is 7 months pregnant and she needs medical care.

6. In view of the above submission made by the learned counsel for the petitioner and on cumulative assessment of facts, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;



(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court For Essential Commodities Act Cases, Coimbatore;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/04/2022

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 ADDITIONAL DISTRICT JUDGE/
PRESIDING OFFICER, SPECIAL COURT FOR
ESSENTIAL COMMODITIES ACT CASES, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON (WOMENS CELL),
COIMBATORE.



3 THE INSPECTOR OF POLICE,
ERODE TALUK POLICE STATION,
ERODE DISTRICT.

4 THE SUPERINTENDENT OF POLICE,
CENTRAL JAIL WOMENS CELL,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges SR.NO. 6226

CRL OP.8913/2022

Date :26/04/2022

RW 26/04/2022