



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.9821 of 2022

JAMUNA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
D2, CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU
CRIME NO.175 OF 2022

[RESPONDENT]

For Petitioner : M/S T.S.SRINIVASAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner herein apprehending arrest by the respondent police for an offences under Section 8(c) r/w 20(b)(ii)B of the NDPS Act in Crime No.175 of 2022 on the file of the respondent police seeks anticipatory bail.

2. The petitioner herein has shown as absconding accused in the case of recovery of 2.250 kgs of ganja from one Vincent. The respondent police has gone to the spot on specific information that the said Vincent and her wife Jamuna/petitioner are selling ganja near their house at Andal Nagar, Thandukarai. On seeing the raiding party, the petitioner has fled away from the scene of occurrence, her husband Vincent was arrested along with contraband goods.

3. The learned Government Advocate (Crl.Side) submits that it is highly unbelievable that the raiding party did not come with the woman police. Though the specific information received by the respondent police, the woman is involved in trafficking of ganja. He further submits that she was not at all present in the scene of occurrence as alleged. The first contention of the petitioner is that absence of female police in the raiding party may not be fatal for the prosecution case since there was no body search of any female in this case. However, considering the fact that the petitioner was not at the scene of occurrence and alleged to have been fled.



4. Taking note of the fact that the petitioner being a lady and her husband has already been secured by the respondent police along with 2.250 kgs of ganja which is intermediate quantity, this Court is inclined to grant anticipatory bail to the petitioner.

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5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Chengalpattu on condition that 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 Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 is 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

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

28/04/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
D2, CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S T.S.SRINIVASAN Advocate on payment of necessary
charges Sr.6503

CRL OP.9821/2022

Date :28/04/2022

RVR 05/05/2022