



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.14241 of 2022

Sanuja Bagar

..Petitioner

Vs.

The State Rep by
Inspector of Police,
Railway Police Station,
Salem District.
(Crime.No.71 of 2022)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.praying to enlarge the petitioner on bail,pending investigation in Crime No.71 of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.Sudhakar

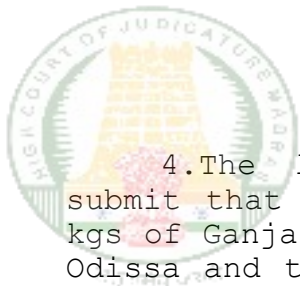
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.04.2022 for the offence punishable under Section 8(c) r/w 20 (b) (ii) (B) of NDPS Act in Crime No.71 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 4.700 of Ganja in the gunny bag. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is working in Amutha Exports at Thiruppur for the past three years and during January the petitioner had gone to her native place i.e.,Odisha and when she was returned to Thiruppur,the respondent police searched her bag and raised questions in Tamil, since the petitioner did not understand the language as well as the legal procedure,the respondent police had obtained signature. He would further submit that the petitioner did not possess any contraband as alleged by the prosecution and she has been falsely implicated in this case.Therefore,he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor (Crl.Side) would submit that the petitioner was found in illegal possession of 4.700 kgs of Ganja. He would further submit that the petitioner came from Odissa and there is no previous case pending against the petitioner.

5.Taking into consideration the fact that the quantum of the contraband is not a commercial quantity and also taking note of the fact that the petitioner is in judicial custody from 16.04.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned "Special Judge for EC and NDPS Act Cases, Salem" and on further conditions that:-

[a] 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 petitioner shall report before the respondent police daily Morning at 10.30 a.m., and Evening 05.00 p.m, until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

24/06/2022

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 FOR
EC AND NDPS ACT CASES,
SALEM

2 THE SUPERINTENDENT,
SPECIAL JAIL FOR WOMEN,
SALEM.

3 INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S K.SUDHAKAR Advocate on payment of necessary charges
Sr.9912

CRL OP.14241/2022

Date :24/06/2022

RVR 24/06/2022