



CrI.OP.No.21120 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

CrI.OP.No.21120 of 2022

Muniyammal

..Petitioner

Vs.

The State Represented by Inspector of Police,
NIB-CID-Vellore Police Station,
Vellore District.
(Crime No.21 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.21 of 2022 on file of the respondent Police.

For Petitioner : Mr.Sathiyaraj E.

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



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CrI.OP.No.21120 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.05.2022 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.21 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 15 Kgs of Ganja illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case and she is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 2 accused in which



CrI.OP.No.21120 of 2022

the petitioner is arrayed as A2. The petitioner along with other accused were found in illegal possession of 15 Kgs of Ganja, in a Government Bus. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally 2 accused in which the petitioner is arrayed as A2. The respondent Police seized the contraband weighing 15 Kgs from the petitioner and it is in-between quantity. Therefore, the provisions under Section 37 of NDPS Act does not attract as against the petitioner.

6. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 12.05.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) as non refundable deposit to the credit of **COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant**



CrI.OP.No.21120 of 2022

(General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 and on such deposit, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate, Katpadi, Vellore District 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 deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only), **as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148.**

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., and 05.30 p.m, until further orders.

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

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



CrI.OP.No.21120 of 2022

WEB COPY

[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 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.09.2022

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CrI.OP.No.21120 of 2022

G.K.ILANTHIRAIYAN, J.

mn

To

- 1.The Judicial Magistrate, Katpadi, Vellore District.
- 2.The Inspector of Police,
NIB-CID-Vellore Police Station,
Vellore District.
3. The Special Prison for Women,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.21120 of 2022

02.09.2022