



Crl.O.P.No.21621 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21621 of 2022

1.Vembu

2.Muniyammal

... Petitioners

Vs.

The Sub-Inspector of Police,
Thirukuvalai Police Station,
Nagapattinam District.
(Crime No.73 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.73 of 2022 on the file
of the Inspector of Police, Thirukuvalai Police Station, Nagapattinam
District.

For Petitioners : Mr.P.Muthamizhselvakumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side).



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 04.07.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act 1985 in Crime No.73 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that A1 was arrested and he was found in possession of 2 kgs Ganja and on his confession that the petitioners were supplied the Ganja, they were arrested on 04.07.2022. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are ladies and though it is true that they have previous cases registered under the Prohibition Act only to curtail their activities, the respondent has falsely implicated them in this NDPS case. He would submit that in respect of the first petitioner there are 8 previous cases out of which 7 cases have been disposed of and in respect of the second petitioner, there are 6 previous cases which are all pending for trial. He would further submit that



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there are no previous cases against the petitioners under NDPS Act. Hence he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are habitual offenders engaged under Prohibition offences. He would submit that on 04.07.2022, A1 was arrested with 2 kgs of Ganja and on his confession, the petitioners were arrested. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners.



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7. Accordingly, the petitioners are ordered to be released on bail on them executing separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Nagapattinam** 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during the investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during the 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 petitioners in accordance



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with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.09.2022

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To

1. The Judicial Magistrate Court No.II,
Nagapattinam.
2. The Sub-Inspector of Police,
Thirukuvalai Police Station,
Nagapattinam District.
- 3. The District Prison,
Thanjavur.**
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

vkr

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