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Crl.O.P.No.25336 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.25336 of 2022

S.Jeyanthi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirunindravur Police Station,
Chennai
Crime No.682 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.682 of 2020 pending
investigation before the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2022, for the offences punishable under Sections 8(c) read with Section 29(1), 20(b)(ii)(B) of NDPS Act, in Crime No.682 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.10.2020 at about 09.30 hrs., the Sub Inspector of the respondent police station received secret information about the illegal transportation of Ganja and thereafter, he along with his party enquired and conducted checkup of one Kannaiyan who was standing in a suspicious manner and found that the said Kannaiyan was in possession of 1 kg of ganja. Based on his confession, another 14 kgs of ganja was recovered at the courtyard of the house of the petitioner. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, even as per the confession of A1, he along with his daughter were involved in selling the ganja and the petitioner



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was not aware of the contraband being kept in the house and there is no recovery from the petitioner. He would further submit that there is no previous case pending against the petitioner. He would also submit that, on an earlier occasion, the petitioner had approached this Court seeking anticipatory bail and thereafter, she had withdrawn the same and voluntarily surrendered on 22.09.2022 and that she is in custody for more than a month and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioner is an associate of the main accused and that the petitioner along with other accused buried 14 kgs of ganja in the courtyard and she was implicated based on the confession of A1. He would further submit that, apart from this case, there is no previous case pending against the petitioner, however, he opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and also considering that the main accused in this case had been enlarged on bail and that no recovery was made from the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Principal Special Judge NDPS Act at Chennai** 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 at 10.30.a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



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trial;

[e] 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;

01.11.2022

Sma

To

1. learned Principal Special Judge NDPS Act,
Chennai.
2. The Inspector of Police,
Thirunindravur Police Station,
Chennai.
3. Central Prison for Women,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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