



Crl.OP.No.29292 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

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Chrishtobalgatiya

... Petitioner

Vs.

State Rep by
The Inspector of Police,
PEW-Thiruchengode Police Station,
Namakkal.
Crime No.811/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.811 of 2022 on the file
of the respondent.

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 27.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 in Crime No.811 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that that on secret information, the respondent police have made a search on all the vehicle nearby Tiruchengode-Pallipalayam road. During the search, the respondent police have intercepted one INNOVA silver colour car bearing Registration No.TN-22-BB-5499. On search, the petitioner along with the other accused was found to be in illegal possession of 6.905 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case since she had travelled along with A1 & A2 in the car. He would submit that without the knowledge of the petitioner, A1 was in possession of



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the contraband and later A1 was arrested and released on station bail. He would submit that even as per the prosecution, there is no recovery from the petitioner and thereby, the rigours of Section 37 of NDPS Act will not be applicable to her. Therefore, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with the other accused was found to be in illegal possession of 6.905 Kgs of Ganja. He would further submit that the contraband has been recovered only from A1 & A2 and as far as this petitioner/A3 is concerned, there is no recovery. He would submit that the petitioner has one previous case pending against her under Information Technology Act. Hence, he vehemently opposed to grant bail to the petitioner.

6. Heard both the learned counsel and perused the materials available on record including the First Information Report.



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7. Taking into consideration of the fact that there is no recovery from the petitioner and the rigours of Section 37 of NDPS will not be applicable to her and also considering the period of incarceration suffered by this petitioner, this Court is inclined to grant bail to the petitioner.

8. 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**, out of which, one surety should be a local surety and one surety should be a blood surety, each for a like sum to the satisfaction of the **learned Special Court under EC & 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 at 10.30 a.m., for a period of four weeks and thereafter every Saturday at 10.30 am until further orders;



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[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;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA,J.
shk

To

1. The learned Principal Special Court under EC & NDPS Act cases,
Salem
- 2.The Inspector of Police,
PEW-Thiruchengode Police Station,
Namakkal.
3. The Central Prison for women,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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