



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/03/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.3218 of 2022

Radhi

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Cr.No.652/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Balaji, Advocate.
For Respondent : Mr.R.Suresh Kumar
Government Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.652 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.652 of 2021, seeks anticipatory bail.

2.The case against the petitioner and another person is that they were found in possession of Ganja. Hence, a case in Crime No.652 of 2021 was registered against the petitioner and another person. The petitioner filed this petition for anticipatory bail.

3.On the side of the petitioner, it is stated that the contraband was seized only from the second accused and not from this petitioner. The case is registered only for statistical purpose. The mother of the petitioner is the second accused. She was already released on bail by the Special Court in Crl.M.P.No.98 of 2022, dated 07.02.2022. Three previous cases mentioned by the prosecution ended in acquittal. Investigation is almost over by this time. Hence, prays to release her on anticipatory bail.



4. On the side of the respondent, it is stated that there are totally two accused involved in the occurrence. This petitioner/A1 is the daughter of the second accused. The petitioner is having three previous cases. 1.200 Kilo grams of ganja was recovered from the second accused. This petitioner/A1 escaped from the spot, on seeing the police. This petitioner is the prime accused and prays to dismiss the petition.

5. Considering the fact that the co-accused was already released by the Special Court and also considering the fact that the police failed to arrest the petitioner so far, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the Special Court for NDPS Act cases, Madurai, and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
01/03/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.



2. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.3218 of 2022

Date :01/03/2022

USK/VR/SAR-IV/07.03.2022/3P/4C