



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

Date : 17/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.3233 of 2022

Shalini

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
NIBCID, Madurai,
(Originally Registered as Crime No.344/2021
by the Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.344/2021).

... Respondent/Respondent

For Petitioner : M/s.Anand R,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYE :-

For Anticipatory Bail in Crime No.344 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 of the NDPS Act, in Crime No.344 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.06.2021, on secret information the respondent Police conducted inspection in the vehicle of the accused persons and found the illegal possession of 100 pockets of ganja, weighing 210kgs. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and she had not committed any offence as alleged by the prosecution. The petitioner is arrayed as A2. A1 is the main culprit and there is no evidence to connect the



petitioner with the offence. This is the second petition. ll
co-operate with the investigation and ready to abide any conditions
imposed by this Court. Hence, prays to release her on bail.

4. On the side of prosecution, it is stated that the first
petition filed by the petitioner was dismissed by this Court on
merits. As per the statement received from the house owner of the
petitioner, it reveal the fact that A1, A2 executed rental
agreement, as if, both are husband and wife and total contraband was
seized from the vehicle parked in the portico of the house. There
is no change in circumstances and custodial interrogation of the
accused is necessary to proceed further. Hence, prays to dismiss
the petition.

5. Considering the above facts and circumstances of the case,
alleged commercial quantity of contraband and also considering the
strong objection raised by the prosecution that there is no change
in circumstances and custodial interrogation of the petitioner is
necessary in this case, this petitioner is not entitled to exercise
any discretionary relief from this Court.

6. Accordingly, this Criminal Original Petition stands
dismissed.

sd/-
17/10/2022

/ TRUE COPY /

/10/2022

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

TO

1. THE INSPECTOR OF POLICE,
NIBCID, MADURAI,
(ORIGINALLY REGISTERED AS CRIME NO.344/2021
BY THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3233 of 2022
Date :17/10/2022

pnm
USK/VR/SAR-I/20.10.2022/2P/3C

<https://www.mhc.tn.gov.in/judis>