



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

Date : 22/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.3327 of 2022

WEB COPY

Vaishnavi

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Cumbum North Police Station,
Theni District.
Cr.No.48 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sugadev.T,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.48 of 2022 on the file of the
Respondent police.

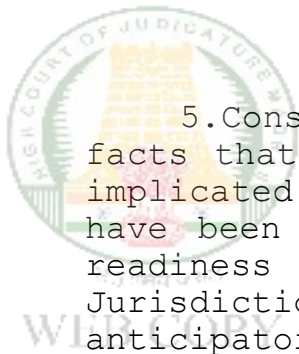
ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
8(C) r/w 20(b)(ii)(B) and 29(1) of NDPS Act, 1985, in Cr.No.48 of
2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused were found in illegal possession of 1.100 kg of ganja.
Hence, the complaint.

3.The learned counsel for the petitioner would submit that
there was no recovery from the petitioner and that only on the basis
of the confession statement alleged to have been taken from the
first accused she has been implicated in this case. However, to show
her bona fide, the petitioner is ready to file an undertaking
affidavit that she will not indulge in any such offence in future.

4.The learned Additional Public Prosecutor appearing for the
respondent would submit that the said contraband was seized from the
first accused and there was no recovery from the petitioner herein.
However, the petitioner is having a previous case for similar
commercial quantity.



5.Considering the quantum of contraband seized and also the facts that there was no recovery from the petitioner, that she was implicated only on the basis of the confession statement alleged to have been taken from the first accused and that the petitioner's readiness to file an undertaking affidavit before the concerned Jurisdictional Magistrate, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Special Court for EC and NDPS Act Cases, Madurai, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and 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 file an undertaking affidavit that she will not indulge in any such offence in future, before the concerned Judicial Magistrate. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/02/2022

/ 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 PRINCIPAL SPECIAL JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3327 of 2022
Date :22/02/2022

USK/SBN/SAR-IV/02.03.2022/3P/4C