



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.4453 of 2022

Lakshmi

... Petitioner/Accused-2

Vs

The State rep.by
The Inspector of Police,
Varasanadu Police Station,
Theni District
(Crime No. 12/2021).

... Respondent/Complainant

For Petitioner : M/s.SHARADA VIVEK,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 12 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 8(C) r/w.20(b)(ii)B and 27(a) of NDPS Act in Crime No.12 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, the respondent Police conducted a raid along with police party at Singarajapuram Allal Odai Bridge. At that time, they found the accused persons in possession of 2.00 kgs of Ganja. On seeing the respondent police, the accused persons tried to run away from the occurrence place, however, the accused No.1 has been arrested. On the basis of the confession statement of the first accused, the present case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submits that the petitioner has not



appeared before the respondent Police for enquiry. However, he fairly submits that there is no previous case pending against the petitioner.

5. It appears that this is the third application for anticipatory bail and the earlier applications filed by the petitioner were dismissed on 21.10.2021 and 15.02.2022. This Court, by order dated 10.03.2022, has granted interim anticipatory bail to the petitioner enabling her to appear before the respondent police for enquiry. The respondent Police has also filed a report stating that the petitioner has appeared for enquiry from 11.03.2022 to 16.03.2022, as per the order of this Court. However, the learned Additional Public Prosecutor claims that the petitioner is not co-operating for the enquiry. It is the duty of the respondent Police to collect the materials and the respondent Police is not expected to get full co-operation from the accused. Further, there is no material as against the petitioner, except the confession statement of the co-accused.

6. Considering the facts and circumstances of the case, conduct of the petitioner and the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, 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 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 Aadhaar 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 15 days and thereafter, as and when required for interrogation.

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

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/03/2022

/ 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 JUDICIAL MAGISTRATE, ANDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
VARASANADU POLICE STATION,
THENI DISTRICT

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

+1. CC to M/S. SHARADA VIVEK Advocate SR.No.2131

ORDER

IN

CRL OP(MD) No.4453 of 2022

Date :17/03/2022

SA/PN/SAR.2/23.03.2022/3P/6C