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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

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

CRL OP(MD). No.14603 of 2022

M.Anjali

... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
Crime No. 224 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.S,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

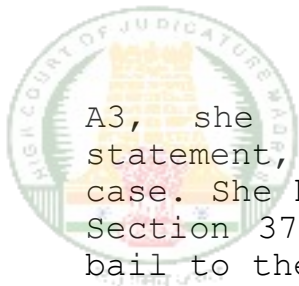
For Anticipatory Bail in Crime No.224 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 8 (c) r/w 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.224 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 28.07.2022, at about 01.00 p.m, on secret information, the respondent police went to the place of occurrence. On seeing the police party, the A1 to A4 tried to run away from the place of occurrence. But, the respondent police nabbed the accused and they were found in possession of 34 Kg of Ganja. On the confession statement of the above said accused, present case has been registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is the wife of A5 having one year old baby. No contraband was seized from the petitioner and no previous case is pending against the her. Only based upon the confession statement of A1 & A4 and being the wife of



A3, she was implicated in this case. Except the confession statement, there was no material to connect the petitioner in this case. She has not engaged any such offence and there is no bar under Section 37 of the Act. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that A1 used to purchase contraband along with A6 through A8. That contraband was transported through train from Andhra Pradesh to Dindigul Railway Station by A15 & A20. From there, with the help of A16 to A19, on the instruction of A1 to A6, they transported the contraband in vehicle bearing Registration No.KL-21-C-786, which belongs to A16 & A19. They kept the contraband in the house of A7, where A3 and his wife A5 are residing. A15 namely, Jalabaga Logeswara Prasath, who is residing in Andhra Pradesh. Through him only, all the accused persons purchased contraband from Andhara Pradesh regularly. Further, A15 used to sell Ganja to A11, A12, A13, A14, A16 and A19. A8 to A10 are residing in Andhra Pradesh. They acted as a dealer and through them, the contraband was purchased from Andhra Pradesh, transported to Tamil Nadu and supplied to the other accused.

5. He would further submit that till date 20 persons were arrayed as accused. A5, A6, A7, A9, A10 & A20 are absconding. When the respondent police collecting the call details, it was found that all the accused had large network and also close access in dealing the drug trafficking in Tamilnadu.

6. As per the FIR, the contraband was kept in the house of the petitioner herein and A3, who is the husband of the petitioner was arrest with contraband. Further, A3 had deposited the amount to the account of A12. The contraband involved in this case is commercial quantity and the investigation is in very preliminary stage. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case and also considering the facts that the contraband involved in this case is commercial quantity and the investigation is in very preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/11/2022

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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, 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.

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- TO
1. THE INSPECTOR OF POLICE,
DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.
 2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14603 of 2022
Date : 03/11/2022

RK/VR/SAR-3 (17/11/2022) 3P/3C