



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/11/2022

PRESENT

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

CRL OP(MD) . Nos.20804 and 20808 of 2022

Suman

... Petitioner/Accused No.2  
in Crl.O.P.(MD)No.20804 of 2022

Nagalakshmi

... Petitioner/Accused No.3  
in Crl.O.P.(MD)No.20808 of 2022

**Vs**

The State Rep.by  
The Inspector of Police,  
Alanganallur Police Station,  
Madurai District.  
(Crime No.266/2022).

... Respondent/Complainant  
in both petitions

In both petitions:-

For Petitioner : Mr.Vidhya Shagar, Advocate  
for Mr.R.Tamil Amuthan, Advocate.  
For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

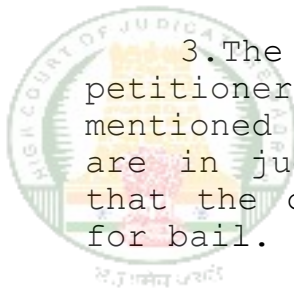
COMMON PRAYER :-

For Bail in Crime No.266/2022 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 & A3, who were arrested and remanded to judicial custody on 05.10.2022 for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 4(1)(a) of Tamil Nadu Prohibition Act, in crime No.266 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused were in illegal possession of 1.250kgs of Ganja and 18 quarter bottles (each contains 180ml). Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR and no recovery was made against them and they are in judicial custody from 05.10.2022. He would further submit that the co-accused was already released on bail. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioners and other accused were in illegal possession of 1.250kgs of Ganja and 18 quarter bottles (each contains 180ml). He would further submit that A2 is having 7 previous cases and A3 is having one similar previous case. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the co-accused was already released on bail, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal District Court for NDPS Act Cases, Madurai and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

iv)the petitioners shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Special Court/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Special Court/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-  
24/11/2022

/ TRUE COPY /

24/11/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

- 1 THE JUDGE,  
PRINCIPAL DISTRICT COURT FOR NDPS ACT CASES,  
MADURAI.
- 2 THE SUPERINTENDENT,  
WOMEN PRISON, MADURAI.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE  
ALANGANALLUR POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.R.TAMIL AMUTHAN, Advocate ( SR-13609[I] dated  
24/11/2022 )

ORDER  
IN  
CRL OP (MD) No.20804 & 20808  
of 2022  
Date :24/11/2022

SJI  
MK/VR/24.11.2022/3P/8C