



Crl.O.P.No.6790 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6790 of 2023

1.Monisha

2.Devi Sree

3.Bathma

... Petitioners

Vs.

The State represented by,  
The Sub Inspector of Police,  
Rathinapuri Police Station,  
Coimbatore.

(Crime No.51 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioners/accused on bail, in connection with the  
Crime No.51 of 2023, pending on the file of respondent Police.

For Petitioners : Mr.G.Sriram

For Respondent : Mr.C.E.Pratap  
Government Advocate (crl.side)



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## **ORDER**

The petitioners, who were arrested and remanded to judicial custody on 28.02.2023 for the offences punishable under Sections 8(c) r/w Section 20(b)(ii)(B), 25 and 29(1) of NDPS Act, in Crime No.51 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the petitioners along with other accused were in illegal possession of 1.9 kgs of Ganja. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and the husband of the first petitioner is stated to have been transported the contraband, whereas, the entire family members have been falsely implicated in this case. He would further submit that even as per the prosecution, 1.5 kgs of ganja was recovered from the first petitioner and there is no recovery from the petitioners 2 and 3. He would further submit that even as per the prosecution, the contraband



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involved in this case is an in-between quantity. He would also submit that the petitioner is in judicial custody from 28.02.2023 and hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioners along with other accused was found to be in illegal possession of 1.9 kgs of Ganja. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.5,000/- each to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioners.

6.Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.



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7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) as a non refundable deposit to **"The Government Medical College Hospital, Coimbatore"**, without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only) each** by way of **Demand Draft/RTGS/NEFT** to **"The**



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**Dean/Medical Officer, Government Medical College Hospital,**

**Coimbatore"** without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their 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 Special Judge for Essential Commodities Act cases, Coimbatore** and on further conditions that:

[a] 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 first petitioner shall report before the respondent Police on every Saturday at 10.30 a.m., until further orders; the petitioners 2 and 3 shall report before the respondent Police daily at 10.30 a.m., until further orders;**

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

**27.03.2023**

*vk*

To

1. The Special Judge for Essential Commodities Act cases,  
Coimbatore.
2. The Sub Inspector of Police,  
Rathinapuri Police Station,  
Coimbatore.
3. The Central Prison,  
Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

*Vkr*

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