



Crl.O.P.No.14553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14553 of 2023

Divya

..Petitioner

Vs.

State Rep. By
Sub-Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
Crime No.477 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner in Crime No.477 of 2022 pending
on the file of the respondent Police.

For Petitioner : Mr.Shyllappa Kalyan

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



Crl.O.P.No.14553 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.10.2022 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(c) & 25 of NDPS Act, in Crime No.477 of 2022, on the file of the respondent police seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated on the basis of confessional statement of co-accused. The Ganja recovered from the petitioner weighing 1.130 kg, which is not a commercial quantity. She is in Judicial Custody from 21.10.2022. Thus, he seeks bail.

3.In response, learned Additional Public Prosecutor submitted that, on 19.10.2022, at about 16.00 hours, the defacto-complainant along with Police party mounted surveillance near Ramanathapuram check post, they found two persons came in two-wheeler bearing No.TN 37 DK 6726. Following them, a woman had come in two-wheeler bearing No.TN 66 AD 4827 along with sack and placed the sack in vehicle bearing



CrI.O.P.No.14553 of 2023

No.TN 37 DK 6726. On seeing the Police party, the woman escaped in two-wheeler. Later she was known as Mubeena, w/o Anwar Basha. After following the necessary procedure, Mohamed Rasik and Bala were searched and they were found in possession of 21 kg and 500 g of Ganja. Ganja along with two-wheelers were seized and the case was registered. First accused in this case is Mufeena. On the basis of her confessional statement, Ganja weighing 1.130 kg was recovered at the residence of the petitioner. Petitioner has no previous case pending against her.

4.Considered the rival submissions and perused the records.

5.Independent recovery of 1.130kg of Ganja was made from petitioner from different place, than that of recovery of 21 kg 500 g of Ganja from A2 and A3. It is seen that petitioner has no previous case pending. Ganja recovered from the petitioner is of intermediate quantity. Petitioner is in judicial custody from 21.10.2022. The substantial part of investigation might have been completed by this time. The prohibition under Section 37 of NDPS Act, will not apply to the petitioner for the reason that she was found in possession of intermediate quantity. In such



circumstances, this Court is inclined to grant bail to the petitioner.

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the **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 petitioner shall report before the respondent police daily at 10.00.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the



WEB COPY



CrI.O.P.No.14553 of 2023

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 229A IPC.

23.08.2023

ep



WEB COPY



CrI.O.P.No.14553 of 2023

To

- 1.The Special Judge for Essential Commodities Act Cases,
Coimbatore.
- 2.The Sub-Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
- 3.Special Women Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.14553 of 2023

G.CHANDRASEKHARAN. J.

ep

Crl.O.P.No.14553 of 2023



WEB COPY



CrI.O.P.No.14553 of 2023

23.08.2023