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Crl.O.P.No.21336 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21336 of 2023

Manimala

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
NIB-CID, Vellore.
Crime No.24 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection in Crime No.24 of 2023 on the file of the The Inspector of Police, NIB-CID, Vellore.

For Petitioner : Mr.S.Jayaprakash
For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.07.2023 for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.24 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.24 of 2023. Petitioner is in Judicial Custody from 20.07.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, defacto complainant, on secret information received on 20.07.2023 at about 08.00 a.m., mounted surveillance near Katpadi Railway Station bus stand and found the accused under suspicious circumstances. After following necessary procedure, a search was conducted. The accused were carrying a black colour travel bag and red and kaki coloured bags named Theni anandham. They had seven parcels and on verification, it



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was found that, it contained 15 kgs of ganja. Out of 7 packets, 4 packets were found in black colour travel bag and 3 packets were found in red and kaki coloured travel bags. Ganja was seized. Investigation in this case is pending. Thus, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

4.1. This is a case of illegal possession of intermediate quantity of 15 kgs of ganja. It is informed by the learned Additional Public Prosecutor that, this is the first case registered against the petitioner under NDPS Act. Petitioner is a woman aged 60 years. She is in judicial custody from 20.07.2023.

4.2. Considering the duration of custody of the petitioner and that ganja had been seized and that material part of the investigation is completed, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five



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Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court under EC & NDPS Act cases, Salem** 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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.5,000/-**, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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[c] the petitioner shall report before the respondent police at 10.00 a.m., until further orders.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.09.2023

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To

- 1.The Special Court under EC & NDPS Act cases, Salem
- 2.The Inspector of Police,
NIB-CID, Vellore.
- 3.The Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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