



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.610 of 2023

WEB COPY

Manimala

... Petitioner/Accused NO 5

Vs

THE STATE REP BY
The Inspector of Police,
Sellur Police Station, Madurai City,
Crime No. 743 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Seenisulthan M

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 743 of 2022 on the file of the respondent police.

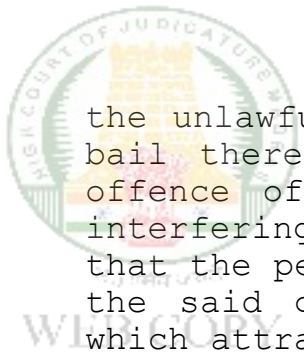
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 13.08.2022, for the offence punishable under Sections 8(c) r/w Section 20(b)(ii)(C) and 29(1) NDPS Act, 1985 in Crime No. 743 of 2022, on the file of the respondent police, seeks bail.

2. Notice was issued to the learned Additional Public Prosecutor and counter was filed by the prosecution.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is no way connected with the crime and nothing was recovered from her and there is no material on record to connect the petitioner with the crime and that the mandatory conditions under the NDPS act were not complied with by the respondent. The petitioner is in custody from 13.08.2022 and the petitioner has no criminal antecedents and the long incarceration before the trial would cause grave injustice to the petitioner and her family members and that the petitioner is ready to abide by any conditions that shall be imposed by this Court. Hence, seeks bail.

4. The learned Additional Public Prosecutor would submit that the due search was conducted and the contraband was seized from



the unlawful possession of the accused and if she is released on bail there is every possibility of absconding and committing offence of similar nature and there is every possibility of her interfering with further investigation. He would further submit that the petitioner was found in possession of 22.500 kgs ganja and the said quantity involved in the case is commercial quantity, which attracts Section 37 of NDPS Act. Hence he strongly opposed to grant bail to the petitioner/accused.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. The petitioner is arrayed as A5. The contraband involved in this case 22.500kgs, which is a commercial quantity. Hence the petitioner has to satisfy three conditions under section 37 of NDPS Act :

- a) Opportunity to the Public Prosecutor to oppose the bail
- b) Prima facie satisfaction regarding availability of ground for believing that the accused is not guilty.
- c) He is not likely to commit any offence while on bail.

7. All submission of the petitioner with regard to the falsity of the case and against the possession of illicit articles and culpable mental state are ground for defence, which can be kept open for consideration at the time of the trial.

8. On the broad probabilities of this case, this Court at this juncture is unable to record its satisfaction on the existence of any substantial and probable cause for believing that the accused is not guilty of the offences charged.

9. This Court cannot at this stage conclude that the accused is not likely to commit any offence while on bail, thereby the condition imposed for grant of bail operates against the petitioner, thereby, the petition is liable to be dismissed.

10. In the result, the Criminal Original Petition stands dismissed.

sd/-
24/01/2023

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/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD)



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TO

1. The Inspector of Police,
Sellur Police Station, Madurai City,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
3. The Officer incharge,
Special Prison for women,
Madurai.

CRL OP (MD) No.610 of 2023
Date :24/01/2023

KB/SAR II (04.02.2023) 3P 4C