



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

PRESENT

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

CRL.O.P(MD)No.1454 of 2023

(*) Pooma Devi

...Petitioner/A3

-vs-

The State represented by
The Sub-Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(in Cr.No.04 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.04 of 2023.

For Petitioner

: Mr.B.Jeyakumar

For Respondent

: Mr.A.Albert James

Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.04 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on inspection, they found 3 persons, who were inpossession of white colour plastic bag and seized 1 kg 100 gms of ganja from A1 and A2 and the petitioner/A3 fled away from the scene of occurrence. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and she is falsely implicated in this case based on the confession statement given by A1 and A2. He would submit that the petitioner was not at all present in the scene of occurrence and the petitioner is a lady aged 42 years. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the respondent police seized 1.100 kg of ganja from the accused 1 and 2 and the petitioner is arrayed as A3 and she fled away from the scene of occurrence. The accused 1 and 2 were arrested and remanded to judicial custody. He would submit that no previous case is pending against the petitioner. He opposes for grant of anticipatory bail to the petitioner.



5. Heard. Perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has no bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 everyday at 10.30 a.m., until further orders.

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

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

[e] 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]**.

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

sd/-

25/01/2023

(*) Amended as per order of the Court dated 01/03/2023 in CRL MP(MD).3142 of 2023 in CRL OP(MD) No.1454 of 2023.

Further time is extended for a period of two weeks from the date of receipt of amended copy of this order.

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/02/2022

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



To

To be substituted with the order dated 25/01/2023 already despatched

1.The Judicial Magistrate No.5, Madurai.

2.The Chief Judicial Magistrate, Madurai District

3.The Sub-Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.J.YOGESWARAN, ADVOCATE IN SR No. 3217

CRL.O.P (MD) No.1454 of 2023
25.01.2023

KB/SAR II (04.02.2023) 3P 5C

SS/SAR I/14/03/2023/3P/6C