



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.03.2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.4956 of 2023

G.Hema

... Petitioner/Accused No.10

Vs

State Rep.by
The Inspector of Police,
Perayurani,
Thanjavur District.
Cr.No.537/2022.

... Respondent/Complainant

For Petitioner : M/s.Manimaran Na,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

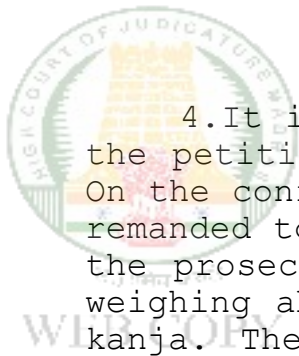
For Bail in Crime No.537/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A10, who was arrested and remanded to judicial custody on 04.09.2022 for the offence under section 8(c) r/w 20(b), (ii)(c), 25 and 29(i) of NDPS Act in Crime No.537 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 24.08.2022, the respondent police conducted vehicle check-up in Perayaurani to Aranthangi main road at Siththadhikaadu main junction. At that time, the respondent police stopped the Asok Layland Dosth bearing Reg.No.TN-48-Aj-2013 and Asok Layland Bose bearing Reg.No.TN-67-AK-6252 and searched the same. The respondent police found 8 gunny bags, each contained 20 kg of ganja. Totally 416 kg contraband was found in the bag and the same was seized by the respondent police. Hence the case.

3.Heard both sides and perused the materials available on record including the First Information Report.



4.It is seen that there are totally 15 accused in this and the petitioner herein is arrayed as A10 and she is daughter of A3. On the confession of the co-accused, the petitioner was arrested and remanded to judicial custody on 04.09.2022. Even as per the case of the prosecution, the first accused was in possession of contraband weighing about 416 kg and A2 & A5 were in possession of 42.5 kg of kanja. There is material to connect A1 & A3 whereas in order to connect the petitioner herein, there is no material available, except the relationship between A3 and A10.

5.That apart, A3 and the petitioner were in possession of 500 grams of kanja, which is below commercial quantity. A1 to A5 were arrested and remanded to judicial custody on 24.08.2022. Now, investigation has also been completed and final report also filed, which was also taken on filed in C.C.No.17 of 2023 by the concerned Court.

6.Taking into consideration of the above facts and circumstances and also the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Principal Special Court for EC & NDPS Act Cases, Thanjavur and on further conditions that:

[b] 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.

[c] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and shall produce the receipt before the concerned Magistrate at the time of executing the bond;

[d]the petitioner shall report before the trial Court on all working days at 10.30 A.M. and 5.30P.M., for a period of four weeks and thereafter as and when required.

[e] the petitioner shall not commit any offences of similar nature.

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

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

[h] On breach of any of the aforesaid conditions, the learned Judicial 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 [SCW 5560].
[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/03/2023

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27/03/2023

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

GNS

TO

- 1 THE PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
THANJAVUR.
- 2 THE SUPERINTENDENT, FEMALE CENTRAL PRISON, TRICHIRAPALLI.
- 3 THE INSPECTOR OF POLICE, PERAYURANI, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
RAY OF LIGHT FOUNDATION,
NO.10, NAGESWARA ROAD,
NUNGAMBAKKAM, CHENNAI,
TAMIL NADU 600 034.

+1 CC to M/s.NA.MANIMARAN, Advocate (SR-4902[I] dated 27/03/2023)

ORDER
IN
CRL OP(MD) No.4956 of 2023
Date :27/03/2023

RS/SBN/SAR-(27.03.2023) 3P 7C