



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

Date : 12/04/2023

PRESENT

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

CRL OP(MD). No.6734 of 2023

M.Pooma Devi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thevaram Police Station,
Theni District.
(In Crime No.67/2023).

... Respondent/Complainant

For Petitioner : M/s.Leena Chantha.B,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.67/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act, in Crime No.67 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.03.2023 at about 17.00 hrs, based on the secret information, the respondent police along with other police persons went near T.Renganathapuram cemetery and found that one person standing with a rice bag in a two wheeler. On enquiry, he introduced himself as Muthuveeran residing at J.Nagar South Street, T.Moonanpatti. After following the legal procedures, above said Muthuveeran surrendered plastic rice bag and further search was conducted, the respondent police found 3.400kgs of Ganja wrapped in a brown sachet. Further confession statement was recorded from the said Muthuveeran, he went to Rajamundiri and bought Ganja to sell in the locality. Whiles the Sub-Inspector of Police seized the contraband and also the two wheeler bearing Reg.No.TN-33-BP-4984 from the above said Muthuveeran and registered the present case.



3. Heard. Perused the materials available on record and the First Information Report.

4. There are two accused involved in this case. The petitioner is arrayed as A2 in this case. Even according to the case of the prosecution, 3.400kgs of Ganja was seized from the first accused. The petitioner happens to be the wife of the first accused. Except the confession statement, no other material to connect the petitioner along with the first accused. Except the relationship, the petitioner had no previous case.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is not having any previous case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 Principal Special Court for EC and NDPS Act Cases, 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, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[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].



CRL OP(MD)



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

sd/-
12/04/2023

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

SJI

TO

- 1 THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES, MADURAI.
 - 2 THE INSPECTOR OF POLICE, THEVARAM POLICE STATION, THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.LEENA CHANTHA.B, Advocate (SR-5826[I] dated 13/04/2023)

ORDER
IN
CRL OP(MD) No.6734 of 2023
Date :12/04/2023

RS/CG/SAR-2(17.04.2023) 3P 5C