



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

Date : 07/06/2023

PRESENT

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

CRL OP(MD) . No.9389 of 2023

Poornima

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Ramjee Nagar Police Station,
Trichy District.
Crime No.25 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Ananda Kumar N,
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 Cr.No.25 of 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), 20(b)(II)(c) and 25 of NDPS Act, 1985 in Crime No.25 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, on 07.02.2023, when the de-facto complainant, who is the Sub-Inspector of Police, attached to the respondent police along with the Village Administrative Officer were conducting vehicle search, they intercepted one Autorickshaw bearing Reg.No.TN-45-BM-3661 and found one lady, namely Gomathi and the driver named Subbaiah were in possession of 21kgs of Ganja. The respondent police arrested the said persons at 03.25 p.m on 07.02.2023. The said Gomathi confessed that the petitioner herein, who is the daughter of Gomathi and her husband Mayakrishnan are doing Ganja business and the first accused Gomathi also interested to do the said business. The petitioner herein introduced the unknown seller to the first



accused and she used to buy from him and sell it to the .
Hence, the case.

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

4. It is seen from the First Information Report that there are three accused involved in this case, in which, the petitioner is arrayed as A2. The first accused was found in possession of 21kgs of Ganja. She deposed before the respondent police that the second accused and her husband used to selling of Ganja and obtained huge money. Therefore, the petitioner is no way connected with the present case. Though the son-in-law of the first accused having NDPS cases, no case has been registered sofar as against the petitioner. Therefore, in order to implicate the petitioner, such a statement was recorded in the FIR and as such, the petitioner apprehends arrest at the hands of the respondent police.

5. Considering the above facts and circumstances of the 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Trichy, 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 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/-

07/06/2023

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

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TO

1. The Judicial Magistrate No.III, Trichy.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Ramjee Nagar Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-8349[I] dated
08/06/2023)

ORDER

IN

CRL OP(MD) No.9389 of 2023

Date : 07/06/2023

NA/BUC/SAR- /13.06.2023/3P/6C