



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

Date : 23/06/2023

PRESENT

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

CRL OP(MD). No.11256 of 2023

Murugeshwari ... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Nagapattinam Police Station,
Nagapattinam.
Crime No.261 of 2022

... Respondent/Complainant

For Petitioner : M/s.J.Sankara Pandian,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.261 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, in Crime No.261 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret information, the respondent police went to the scene of occurrence. On seeing the police party, the accused persons attempted to ran away. But the police party stopped them and they found that A1 and A2 were in possession of Ganja weighing 21kgs. The said contraband was seized by the respondent police and subsequently, on the confession of A1, the petitioner was implicated as and accused. Hence, the case.



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

4. It is seen that there are totally three accused involved in this case and the petitioner is arrayed as A3. On perusal of the FIR, it revealed that on the confession statement of A1 and A2, who were found in possession of contraband weighing 21kgs of Ganja, the petitioner has been implicated as an accused. The FIR was registered on 30.08.2022. However, the respondent did not take any steps to secure the petitioner. The petitioner is very much available in the house. On perusal of the counter, it revealed that the petitioner has already involved in Prohibition Cases and no case is pending against her under the NDPS Act case. Further, the petitioner's husband is a habitual offender and as such, the petitioner has been falsely implicated as an accused in this case. In order to connect the petitioner and the co-accused persons, the prosecution did not even produce any iota of evidence and as such, the petitioner has satisfied the twin conditions as contemplated under Section 37 of the NDPS Act. Further, now the respondent police filed final report and the same has been taken cognizance in C.C.No.12 of 2023 on the file of the Special Court for NDPS Act Cases, Thanjavur.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

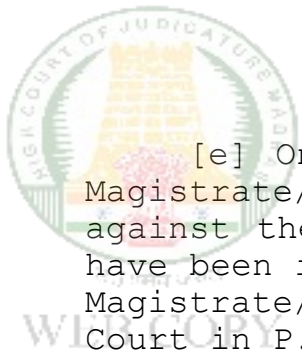
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judge for the cases under the NDPS Act, Thanjavur, on condition that the petitioner 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 trial Court at 10.30 a.m., on all hearing dates without fail;

[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/-

23/06/2023

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/07/2023

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

TO

- 1 THE SPECIAL JUDGE FOR THE
CASES UNDER THE NDPS ACT, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
NAGAPATTINAM POLICE STATION NAGAPATTINAM
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SANKARAPANDIAN, Advocate (SR-9522[I] dated
23/06/2023)

ORDER

IN

CRL OP(MD) No.11256 of 2023

Date :23/06/2023

SJI

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