



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

PRESENT

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

WEB COPY

CRL.O.P (MD) No.22126 of 2022

M.Anjali

...Petitioner /5th Accused

-vs-

The State represented by
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(in Cr.No.224 of 2022)

...Respondent/Complainant

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

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.224 of 2022.

For Petitioner : Mr.S.Balasubramanian, Advocate

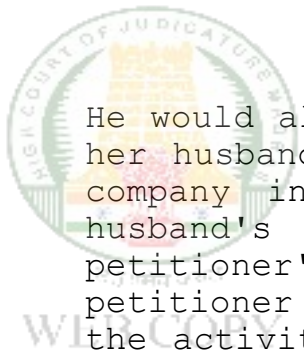
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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) r/w 20(b)(ii)(C) and 25 of NDPS Act in Crime No.224 of 2022 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 28.07.2022 at about 13.00 hours, based on a secret information, the respondent police went near the EB Colony Graveyard, where, the accused Nos.1 to 4 were trying to separate a commodity from a gunny bag and the respondent police found that the accused Nos.1 to 4 were found in possession of 34 kgs of ganja. Hence, the case. Later, during the course of the investigation, the involvement of the petitioner with the other main accused came to light.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in the case since she happens to be the wife of A3, Sundarapandian.



He would also submit that the petitioner was normally residing with her husband at Chennai and her husband was working in an Insurance company in Chennai and she had accompanied her husband to her husband's native place in Dindigul and during such time, the petitioner's husband was arrested in Cr.No.224 of 2022. The petitioner is a mother of an infant child and she is not aware of the activities of her husband and his family members and she would submit that there is no possibility of the petitioner involving in any offence in future. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is the wife of A3 and A3 and A1 are brothers and they have involved in the business of dealing with ganja. He would also submit that on specific information, a raid was conducted and during such time, A1 to A3 were found re-packing of 34 kgs of ganja and the petitioner was found in the house and on seeing the police, the petitioner went away from the scene of occurrence. However, he would submit that there is no previous case pending against the petitioner. He would object for grant of anticipatory bail to the petitioner.

5.Heard and perused the materials available on record.

6.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., and also the fact that other than the petitioner being the wife of A3, there is no other materials to connect the petitioner to the crime and it is submitted that the petitioner is not aware of the activities of either of her husband or her in-law's family members and she is the mother of a new born child and this Court is also of the opinion that the petitioner has satisfied the condition required under Section 37 of NDPS Act for grant of bail and thereby, 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 Principal Special Court EC & 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am 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/-
21/02/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

- 1 THE PRINCIPAL SPECIAL COURT EC
& NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22126 of 2022
Date :21/02/2023

PKP/RR/SAR-4/03.03.2023/ **3P/4C**