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CRL OP(MD). N



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

Date : 04/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22593 of 2022

S.Kasthuri

... Petitioner/Accused No.5

Vs

The state rep.by
The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.601 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ambethkumar S,
Advocate.
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Cr.No.601 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 04.09.2022, for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1995 in Crime No.601 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons were found in illegal possession of 23 kgs of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. No recovery has been made from the petitioner. The petitioner is in judicial custody from 04.09.2022. This is the second bail petition. Hence, prays to release the petitioner on bail.



4. The learned Additional Public Prosecutor has filed a detailed counter and submitted that the accused persons were found in possession of 23 kgs of ganja. The earlier petition filed seeking bail was already dismissed by this Court on 10.11.2022 and now, there is no change in circumstances. Hence, vehemently oppose to release the petitioner on bail.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and the fact that the alleged quantity of ganja falls under the commercial quantity and as the petitioner has not satisfied the twin conditions as per Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. In view of the above, this Criminal Original Petition stands dismissed.

sd/-

04/01/2023

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/01/2023

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

TO

- 1 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, TRICHY.
- 2 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22593 of 2022

Date : 04/01/2023

PNM

MK/SSS/SAR III (19.01.2023) 2P 4C