



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

Thursday, the Second day of February Two Thousand and Twenty Three

PRESENT

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

CRL OP(MD) . No.22543 of 2022

Radha

... Petitioner/Accused No.2

Vs

State rep. by,
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.208/2022)

... Respondent/Complainant

For Petitioner : M/s. Sathish Kumar.K,

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

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

PRAYER :-

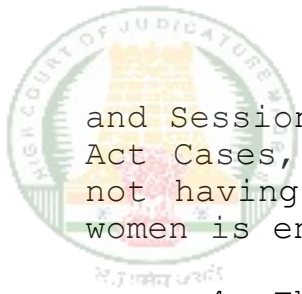
For Bail in Crime No.208/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 10.06.2022 for the offence punishable under Sections 8(c) and 20(b)(ii)(C) of NDPS Act in Crime No.208 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 22kgs of kanja, which is a commercial quantity. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the investigation has been completed and the case has been taken up for trial in C.C. No.1128 of 2022 on the file of the Additional District



and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Madurai. He would further submit that the petitioner is not having any previous cases against her and she being a widowed women is entitled for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been completed and this is the second application for bail and this Court while dismissing the earlier petition filed by the petitioner in Crl.O.P (MD) No.18294 of 2022 finding that the contraband involved is a commercial quantity dismissed the application on 04.11.2022 and there is no change in circumstances of the case. He would further submit that the case has been taken up for trial and listed on 04.02.2022 for examination of L.W.1 and 3. He would further submit that there are totally eight witnesses in this case and the respondent would be able to complete the trial within a period of three months. He would further submit that the contraband being a commercial quantity the petitioner has to satisfy the twin conditions required under Section 37 of the NDPS Act for grant of bail. He would further submit that since the petitioner and the other accused were arrested with the contraband on the same day, the contraband cannot be segregated.

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

6. Taking into consideration of the facts and circumstances case and circumstances of the case and taking note of the fact there is no change in circumstances of the case after dismissal of the earlier petitioner and also the fact that the petitioner has not satisfied the twin conditions for grant of bail as per section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. Hence the Criminal Original Petition stands dismissed. However the learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Madurai is directed to completely the trial proceedings as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.

sd/-
02/02/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, MADURAI.
2. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER,
SPECIAL COURT FOR E.C AND NDPS ACT CASES, MADURAI
3. THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. SRINIVASAN R, Advocate SR.No.1747(I)

ORDER

IN

CRL OP(MD) No.22543 of 2022

Date :02/02/2023

NA/BUC/SAR-I/13.02.2023/3P/6C