



CRL OP(MD). No.21210 of 2023

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

Date : 24/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21210 of 2023

Anitha

... Petitioner / Accused No.12

Vs

State through
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Crime No.355/2023.)

... Respondent / Complainant

For Petitioner : M/s.P.Krishnaveni, Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.355/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A12, who was arrested and remanded to judicial custody on 26.10.2023 for the offences punishable under Sections 8(c)r/w.20(b)(ii)(B),25 and 29



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(1) of NDPS Act 1985 r/w.116 of IPC in Crime No.355 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner along with other accused were found in illegal possession of 42kgs of ganja, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case and she is no way connected with the crime and nothing was recovered from her and there is no material on record to connect the petitioner with the crime and that the mandatory conditions under the NDPS act were not complied with by the respondents. The petitioner is in custody from 26.10.2023 and the petitioner has no criminal antecedents and the long incarceration before the trial would cause grave injustice to the petitioner and her family members and that the petitioner is ready to abide by any conditions that shall be imposed by this Court. Hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in illegal possession of 42kgs of ganja. Further there are sufficient materials available to connect the petitioner with the crime. CDR report shows that there has been frequent calls between this petitioner and other accused. Further there was also some money transactions between this petitioner and the other accused. Further if she is released on bail there is every possibility of



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absconding and committing offence of similar nature and there is every possibility of her interfering with further investigation. He would further submit that the petitioner along with other accused were found in possession of 42 kgs ganja and the said quantity involved in the case is commercial quantity which attracts Section 37 of NDPS Act. He would further submit that the petitioner has not satisfied the twin conditions under section 37 of the NDPS Act. Hence he strongly opposed to grant bail to the petitioner/accused.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. The petitioner is arrayed as A12. The contraband involved in this case 42 kg which is commercial quantity. Hence the petitioner has to satisfy three conditions under section 37 of NDPS Act:

- a) opportunity to the Public Prosecutor to oppose the bail
- b) prima facie satisfaction regarding availability of ground for believing that the accused is not guilty.
- c) he is not likely to commit any offence while on bail.

7. This Court cannot at this stage conclude that the accused is not likely to commit any offence while on bail, thereby the condition imposed for grant of bail operates against the petitioner thereby the petition is liable to be dismissed.



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8. In the result, the Criminal Original Petition stands dismissed.

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

To

1.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

2.The Officer Incharge,
Special Sub Jail,
Kokkirakulam Tirunelveli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.21210 of 2023
Date :24/11/2023

ED/JGB/SAR- (30/11/2023) 4P / 4C

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