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Crl.R.C.No.1211 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1211 of 2024

Sathyavani @ Pommukutti

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
F-2, Egmore Police Station,
Chennai.
Crime No.127 of 2024

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w. 401 of the code of Criminal Procedure, to set aside the impugned order dated 11.07.2024 passed in Crl.M.P.No.7434 of 2024 by the Principal Special Court under EC and NDPS Act, Chennai and enlarge the petitioner on bail in Crime No.127 of 2024, pending trial.

For Petitioner : Mr.V.Karthik

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER



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The Criminal Revision Case is filed against the impugned order dated 11.07.2024 passed in Crl.M.P.No.7434 of 2024 by the Principal Special Court under EC and NDPS Act, Chennai and enlarge the petitioner on bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner was implicated in Crime No.127 of 2024 which was registered for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(B), 25 and 29(1) of NDPS Act and she was arrested and remanded to judicial custody on 03.05.2024. The petitioner has filed a petition in Crl.M.P.No.7434 of 2024 seeking statutory bail before the Principal Special Court under EC and NDPS Act, Chennai and it was dismissed on the ground that the investigation was completed and the charge sheet was filed on 06.07.2024. As per Section 167 Cr.P.C read with Section 36A(4) of NDPS Act, the respondent Police has to file the charge sheet within a period of 60 days, however, in the present case, the respondent Police has not completed the investigation and not filed the charge sheet within a stipulated time. Hence, the petitioner is entitled for statutory bail and the contraband seized



from the petitioner is 2.040 kgs which is a smaller quantity

3. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that the petitioner is having five previous cases which are similar in nature, hence, he opposed for grant of bail.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent Police.

5. Admittedly, the petitioner has been arrayed as accused in Crime No.127 of 2024 and was remanded to judicial custody on 03.05.2024. She moved a bail petition in Crl.M.P.No.7434 of 2024 before the Principal Special Court under EC and NDPS Act, Chennai and it was dismissed on the ground that the investigation was completed and the charge sheet was filed on 06.07.2024. As per Section Section 167 Cr.P.C read with Section 36A(4) of NDPS Act, if the Police has not completed the investigation and not filed the charge sheet within a period of 60 days, the accused shall be



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released on bail. In the instant case, the respondent Police has not completed the investigation and has not laid the charge sheet within the stipulated time (i.e.,) 04.07.2024 and in respect of the other accused, the trial Court has granted statutory bail and the petitioner is in prison for more than 80 days and the contraband seized from the petitioner is also smaller quantity, hence, the petitioner is entitled for statutory bail . Therefore, the impugned order dated 11.07.2024 passed by the Principal Special Court under EC and NDPS Act, Chennai, in Crl.M.P.No.7434 of 2024 is set aside and the petitioner is directed to be released on statutory bail on executing 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 **learned Principal Sessions Special Judge (NDPS), Chennai** and on further conditions that:

(a)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 is directed to appear before the respondent police daily at 10.30 a.m.,;

(c)the petitioner shall not tamper with evidence or



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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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. Accordingly, the Criminal Revision Case is allowed.

23.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

Note: Issue order copy on **23.07.2024.**

To



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1. The learned Principal Sessions Special Judge (NDPS), Chennai.
2. The Superintendent,
Special Central Prison for Women Puzhal.
3. The Inspector of Police,
F-2, Egmore Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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