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CRL O.P. No.25325 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.25325 of 2024**

Dhanabackiyam

... Petitioner / A4

Vs

State rep. by  
The Deputy Superintendent of Police,  
NIB-CID Police Station,  
Salem.  
(Crime No.19 of 2022)

... Respondent

**PRAYER: -** The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.19 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate  
(Criminal Side)



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CRL O.P. No.25325 of 2024

## **ORDER**

The petitioner seeks bail in Spl.C.C.No.87 of 2022 pending trial on the file of the Special Court for EC/NDPS Act Cases, Salem.

2.Originally, the petitioner was arrested and remanded to judicial custody on 12.08.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985 in Crime No.19 of 2022 on the file of the respondent police.

3.It is the case of the prosecution that on information, the respondent had gone to the place, Divya Theatre at Salem and they intercepted a car bearing Reg. No.TN-22-AY-0318, which was driven by A1 and they also found five white colour bags, each containing 20 kgs of ganja, which is commercial quantity. A1 was arrested and the car and contraband was also seized. It is stated that A3 had purchased ganja from Andhra Pradesh and A2 sold the same. Hence, the case.



4.The learned counsel for the petitioner would submit that the petitioner is a 69 years old lady and she is innocent and she has been falsely implicated in this case based on the confession statement of co-accused and no recovery was made from her. He would further submit that the petitioner is suffering incarceration for more than two years and there is no progress in the trial. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

5.The learned Government Advocate (Crl. Side) would submit that when the respondent had intercepted a car bearing Reg. No. TN-22-AY-0318, A1 was found in illegal possession of 100 kgs of ganja. A3 had purchased the ganja from Andhra Pradesh and A2 sold the same and no recovery was made from this petitioner and only based on the confession statement of co-accused, this petitioner was arrayed as accused in this case. He would further submit that the investigation has been completed and charge sheet has also been filed. Now, the matter is at the stage of trial for examination of LW-1. The Hence, he vehemently opposed for grant of bail to the petitioner.



CRL O.P. No.25325 of 2024

WEB COPY

6. Heard both side learned counsel and perused the materials available on record.

7. Considering the nature of offence and no contraband was recovered from this petitioner and she was arrayed as accused only based on the confession statement of co-accused and though investigation was completed and charge sheet was filed in the year 2022, there is no progress in the trial and also considering the period of incarceration undergone by the petitioner from 12.08.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to 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 learned **Judicial Magistrate – II, Salem**, and on further conditions that;

**[b] the Petitioner shall report before the trial Court on all working days at 10.30 a.m., until further orders;**



CRL O.P. No.25325 of 2024

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

21.10.2024

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CRL O.P. No.25325 of 2024

**P.DHANABAL,J.**

smv

To

- 1.The Judicial Magistrate – II, Salem.
- 2.The Central Prison, Salem.
- 3.The Deputy Superintendent of Police,  
NIB-CID Police Station,  
Salem.
- 4.The Public Prosecutor, High Court, Madras.

CRL.OP.No.25325 of 2024

21.10.2024