



WEB COPY



CRL O.P. No.28793 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.28793 of 2024

Govindu Kalyani

W/o. Govinda Pavankumar

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,

NIBCID Salem Police,

Salem District.

... Respondent

[Cr. No.26 of 2024]

PRAYER:- The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.26 of

2024 on the file of the respondent police.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mr. R. Vinoth Raja

Government Advocate [Criminal side]

ORDER

The petitioner / Accused, who was arrested and remanded to
judicial custody on 13.03.2024 for the offences punishable under



CRL O.P. No.28793 of 2024

Sections 8(c) r/w 20(b)(ii)(c) and 29(1) of NDPS Act in Cr. No.26 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.03.2024, near Platform No.4, Salem, the petitioner along with other accused was found in illegal possession of 32 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and 29(1) of NDPS Act and she was arrested and remanded to judicial custody on 13.03.2024. In fact, the petitioner travelled in a train, at that time, unknown bag was kept inside the train and the police, without proper enquiry, arrested the petitioner for statistical purpose. Even according to the prosecution, there is no whisper as to how much of Ganja was recovered from this petitioner and they only stated in general that they recovered contraband from the petitioner and other accused. There is no specific allegations as against this petitioner as to recovery of the contraband. The petitioner is an innocent and she is in judicial custody



CRL O.P. No.28793 of 2024

for more than 8 months and she is the only breadwinner of her family and she has three children. Hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is arrayed as A2 and she along with A1 transported 32 kgs of Ganja in two bags and while they were carrying the bags containing Ganja in the train, the same was intercepted by the respondent police and they seized the contraband and the seized contraband is in commercial quantity. Investigation was completed and charge sheet was filed and the case is pending for trial. Therefore, at this stage, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that the petitioner is in judicial custody from 13.03.2024 and even according to the prosecution, there is no whisper about the recovery of contraband from this petitioner and in the Seizure Mahazar, the respondent police have shown the name of the petitioner along with



CRL O.P. No.28793 of 2024

another accused and no specific about the recovery of contraband in two bags, from whom they were recovered, considering the absence of specific information with regard to the recovery of contraband from this petitioner, considering the fact that the investigation was completed and charge sheet was also filed, that no previous case is pending against the petitioner and considering the incarceration period of the petitioner from 13.03.2024, I am 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 **Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem (FAC)** and on further conditions that:

[b] the petitioner shall report before the concerned NDPS Court on all working days at 10.30 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of



CRL O.P. No.28793 of 2024

which she is suspected;

WEB COPY

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.12.2024

index: Yes/No

Internet: Yes/No

5/7



CRL O.P. No.28793 of 2024

Speaking/Non Speaking order

mjs

WEB COPY

To

- 1.The Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem (FAC).
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, NIBCID Salem Police, Salem District.
4. The Superintendent of Police, Central Prison [Special Prison for Women], Salem.

P.DHANABAL,J

mjs

CRL. O.P. No.28793 of 2024



WEB COPY



CRL O.P. No.28793 of 2024

02.12.2024