



CRL OP(MD) No.474 of 2024

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

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.474 of 2024

PAVITHRA

... Petitioner / Accused No.7

Vs

THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING- PUDUKOTTAI,
PUDUKOTTAI DISTRICT.
(CRIME NO. 1058 OF 2023)

... Respondent / Complainant

For Petitioner : M/s.G.Karuppasamy Pandian, Advocate

For Respondent : Mr.Hasan Mohamed Jinne, State Public Prosecutor
assisted by
Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CR.NO.1058/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 8(c) r/w 20(b)(ii)(c) and Section 25 of



CRL OP(MD) No.474 of 2024

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NDPS Act, in Crime No.1058 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.12.2023 at about 05.00 p.m, when the respondent police were in patrol duty, A1 was driving an auto bearing Reg.No.TN-55-BH-7284. The respondent police intercepted the auto and found 3 bags and each bags contains 20 kg of Ganja. 60 kg of Ganja was recovered from A1 and he was arrested. Based on his confession, A2 was arrested. Thereby, the petitioner was implicated in the said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and she has been falsely implicated in this case. He further submitted that the petitioner is a college going student aged about 20 years. Except this case, no previous case is pending against her. There is no document available to link the petitioner to this case. Accordingly, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that though the petitioner is not involved in any previous case similar in nature, she assisted her family members to unload the ganja through A1 with an intention to transport the same to nearby countries. Hence, he prayed for dismissal of this petition.

5.Heard the learned counsel appearing for the petitioner and the learned



CRL OP(MD) No.474 of 2024

Additional Public Prosecutor appearing for the State.

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6.The facts in the present case are not in dispute. The Law Enforcing Agency intercepted the auto and recovered 60 kg of ganja. Based on the confession of A1, A2 was arrested and 40 kg of ganja was recovered. Totally 100 kg of ganja was recovered from A1 & A2, who are none other than the father and mother of the petitioner. The petitioner is being a family member, she was implicated in this case. She is a college going student and aged about 20 years. Further, no previous case is pending against her and no recovery was made from her.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Pudukottai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate



CRL OP(MD) No.474 of 2024

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within a period of 15 days from the date of receipt of a copy of this order,
this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).

(g) 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



CRL OP(MD) No.474 of 2024

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;

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

sd/-
27/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate No.II,
Pudukottai.

2.Do through the Chief Judicial Magistrate,
Pudukottai District.

3.The Inspector of Police,
Prohibition Enforcement Wing - Pudukottai,
Pudukottai District.

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



CRL OP(MD) No.474 of 2024

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-2464[I] dated
28/02/2024)

ORDER
IN
CRL OP(MD) No.474 of 2024
Date :27/02/2024

ED/ GS /SAR- (05/03/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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