



CRL OP(MD) No.2140 of 2024

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

Thursday, the Twenty Ninth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.2140 of 2024

PRIYADHARSHINI

... PETITIONER/ACCUSED NO.6

Vs

THE INSPECTOR OF POLICE
PEW,PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
CRIME NO. 1058/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN, Advocate

For Respondent : MR.S.RAVI, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

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

ORDER : The Court Made the following order :-

The petitioner/A6, 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 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, when the respondent police were in patrol duty, they found an Auto bearing Reg.No.TN-55-BH-7284 driven by the accused No.1. The respondent police intercepted the Auto and found 3 bags and



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each bags contain 20 kgs of Ganja. 60 kgs of Ganja were recovered from A1 and he was arrested. Based on his confession, A2 was arrested and 40 kgs of Ganja were recovered from him. Thereafter, the petitioner was implicated in the said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner married the accused No.5 on 01.09.2021 and on the next month of the marriage, she was implicated as accused in this case and the petitioner did not have any contact with her husband's family. 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 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 Additional Public Prosecutor appearing for the State.

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 kgs of ganja were recovered. Totally 100 kgs of ganja were recovered from A1 & A2. No recovery was made from the petitioner and no linking



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document is available in between the petitioner and the other accused person.

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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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District and Sessions Judge, Special Court for EC and NDPS Act Cases, 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 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;



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(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 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/-
29/02/2024

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



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TO

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1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKOTTAI.

2 THE INSPECTOR OF POLICE, PEW, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2611[I] dated 01/03/2024)

ORDER

IN

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Date :29/02/2024

RS/GS/SAR-(11.03.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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