



CRL OP(MD) No.2517 of 2024

WEB COPY

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.2517 of 2024

SHALINI

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE

N I B C I D,

(*)KANYAKUMARI DISTRICT

(ORIGINALLY REGISTERED AT (**)CRIME NO 2 OF 2022

BY THE INSPECTOR OF POLICE, ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT)

(**)(CRIME No.2 OF 2022)

... RESPONDENT/RESPONDENT

For Petitioner : MR.ANAND R. Advocate

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

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

PRAYER: FOR ANTICIPATORY BAIL IN (**)CRIME NO.2/2022 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A2, 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



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Narcotic Drugs and Psychotropic Substances Act, 1985, Act, in ()Crime No.2 of WEB COPY 2022, on the file of the respondent police, seeks anticipatory bail.**

2.The case of the prosecution is that on 26.06.2021 at about 02.00 a.m, on the secret information, the respondent police went to the spot and found a abandoned car bearing Reg.No.KL-01-CD-5690. It was parked near Andukodu Pandhipalam. After entire search, they found 210 kg of ganja, Aadhar Card of A1 and Voters ID of the petitioner. Thereby, the Law Enforcing Agency registered the present case against the petitioner and other accused.

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 this is the third anticipatory bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.3233 of 2022 was dismissed by this Court on 17.10.2022. The petitioner nothing to do with A1. Merely presence of the petitioner's Voter ID in the abandoned car, will not constitute the offence against her. Further, no previous case is pending against her and no recovery was made from her and there is no linking document to connect the petitioner with A1.



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4.He further submitted that earlier petition was dismissed on the ground that the car was parked in the portico of the house of A1. But, in the FIR, it was stated that the car was parked near Andukodu Pandhipalam. Though the earlier two petitions were dismissed by this Court, even then, the Law Enforcing Agency did not conclude the investigation. Thereby, the present petition is filed.

5.The learned Additional Public Prosecutor submitted that the car seized in this case is belong to A1's daughter. A1's daughter is living in abroad with her husband. A1 used to transport the contraband in the said Car along with the petitioner/ A2. A1 and the petitioner/ A2 are in physical relationship and living together with the above said house by getting rental agreement as if they are husband and wife. From the perusal of the rental agreement, it appears that the document contains a sign in Malayalam language. However, A1's signature is not found in the rental agreement.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

7.Considering the facts and circumstances of the case and also considering the facts that no previous case is pending against the petitioner, no recovery was made



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from the petitioner and there is no linking document to connect the petitioner with A1, 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 **Special Court for EC and NDPS Act Cases, Madurai**, 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



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pass Book to ensure their identity;

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(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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

**(*)AMENDED AS PER ORDER OF THE COURT
DATED 26/03/2024 IN CRL MP(MD)No.3706 of 2024 in
CRL OP(MD)No.2517 of 2024.**

**TIME GRANTED BY THIS COURT, VIDE ORDER
DATED 27.02.2024, IS EXTENDED FOR A PERIOD OF
TWO WEEKS FROM THE DATE OF RECEIPT OF
COPY OF THIS ORDER.**

/ TRUE COPY /

/04/2024

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

DSS

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 27/02/2024 ALREADY
DESPATCHED**

1.THE JUDGE, SPECIAL COURT FOR EC AND NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE

N I B C I D,

KANYAKUMARI DISTRICT

(ORIGINALLY REGISTERED AT CRIME NO 2 OF 2022

BY THE INSPECTOR OF POLICE, ARUMANAI POLICE STATION,

KANYAKUMARI DISTRICT)

<https://www.mhc.tn.gov.in/judis>



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WINNER 3.THE INSPECTOR OF POLICE

N I B C I D,
MADURAI

(ORIGINALLY REGISTERED AT CRIME NO 344 OF 2021
BY THE INSPECTOR OF POLICE, ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT)

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

+1 CC to M/s.R.ANAND, Advocate (SR-2456[I] dated 28/02/2024)

ORDER
IN
CRL OP(MD) No.2517 of 2024
Date :27/02/2024

RK/GS (05/03/2024) 7P / 5C

INDU
SS/VR/SAR- / (02/04/2024) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023