



CRL OP(MD). No.3000 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.3000 of 2024

Revathi

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
NIB-CID,
Dindigul District.
Crime No.2 of 2022..

... Respondent/ Complainant

For Petitioner : Mr.R.Narayanan,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioners on bail concerned in Cr.No.2 of 2022 on the file of the Respondent Police and CC.No.194 of 2022 on the file of the Learned I-Additional District Court and Special Court for NDPS Act Cases at Madurai.



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ORDER : The Court made the following order :-

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The petitioner/ A1, who was arrested on 26.08.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act, 1985, in Crime No.492 of 2021, on the file of the Kannivadi Police Station and subsequently, it was transferred to the respondent police and assigned crime No.2 of 2022, seeks interim bail.

2.The case of the prosecution is that on 26.08.2021 at about 4.30 p.m., when the defacto complainant was on duty, he received secrete information from the police informer that illegal selling of contraband has been taken place near Santhamanickanpatti. On the basis of the above said information, he along with team of police officials went and inspected the place of occurrence. At that time, they suspected three identified persons identified by the police informer and two persons were found. On suspicion, they were apprehended. On search, they revealed their name as Revathi and Vairapandi and subsequent to that, search was undertaken. During the course of search, they were found in possession of 30 Kgs of ganja in one bag and 30 kgs. in another bag. Totally 60 Kgs. of ganja were found. On the basis of the above said search, sample was taken as registered. The petitioner was arrested on the spot itself and remanded to judicial custody.



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3.The earlier applications filed by the petitioner seeking bail were dismissed by this Court on various grounds.

4.Now seeking bail this application has been filed on the ground that the petitioner is in custody for more than 2 ½ years.

5.Before commencement of the argument on the side of the petitioner, the learned Additional Public Prosecutor has submitted that the petitioner is involved in three previous cases. Apart from that the husband of the petitioner is also involved. He was granted interim bail. Later he absconded. Now only he was secured. On that ground a question was put to the learned counsel for the petitioner as to how they are entitled for bail. For that he would submit that now the husband of the petitioner has been secured and the trial has not commenced and even the Honourable Supreme Court has granted bail to an accused who is in custody for more than 2 ½ years.

6.But, the learned counsel on record insisted that without hearing full arguments, this Court has expressed its view that it will not consider. But, the facts remains that the petitioner is involved in three previous cases. But, she wants bail.



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She can move before the trial Court itself, since the trial Court is competent to entertain the petition, since all the materials are now available with the trial Court. Without repeatedly approaching this Court, the petitioner can very well approach the trial Court itself for bail. If any application is filed by the petitioner before the trial Court that may be considered by the trial Court without influenced by any of the observation made by this Court.

7. With the above said directions, this criminal original petition stands dismissed.

sd/-
28/02/2024

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

TM

TO

1. The I-Additional District Court and Special Judge for NDPS Act Cases at Madurai.
2. The Principal Special Judge for EC & NDPS Act Cases, Madurai.
3. The Superintendent, Central Woman Prison, Madurai.



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4. The Inspector of Police,
NIB-CID,
Dindigul District.
Crime No.2 of 2022..

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

ORDER
IN
CRL OP(MD) No.3000 of 2024
Date :28/02/2024

RK/VR (06/03/2024) 5P / 6C

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