



CRL OP(MD). No.10190 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.10190 of 2024

S.Vidhya,

... Petitioner/ Accused No.3

Vs

**The Inspector of Police,
PEW Pudukottai Police Station,
Pudukottai District.
Cr No.1058/2023.**

... Respondent/Complainant

**For Petitioner : Mr.Kathirvelu, Senior Counsel for
Mr.Na.Manimaran.**

**For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor**

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

**To grant bail for the Petitioner/ Accused No.3 in CC No.76/2024 on the
file of the Additional District Judge for EC and NDPS Act Cases, Pudukottai.**

ORDER : The Court made the following order :-



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The petitioner/A3, the wife of A1 in Crime No.1058 of 2023, who was arrested on 19.12.2023 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (C) and 25 of NDPS Act, seeks bail on the ground that based on the confession statement of A1 alone, she has been implicated in this case.

2.The case of the prosecution is that on secret information on 17.12.2013, at about 5.30 p.m, the respondent police have intercepted an Auto Rickshaw bearing Registration No.TN 55 BH 7284, near Singamuthu Ayyanar Temple, Pudukkottai and recovered 60 kgs of ganja from the accused Nos.1 and 2. On the confession statement of the first accused, they have recovered 20 kgs of ganja from A2/ Sevugamoorthy and arrested the petitioner and recovered the above two wheeler and two Oppo cellphones. According to the respondent police, the above two wheeler is used by the accused persons for transportation of contraband.

3.The learned senior counsel appearing for the petitioner has canvassed in earlier round of litigation that apart from the confession statement of the co-accused, there is no other material as against this petitioner. No recovery has been made from this petitioner. This Court, considering the stage of investigation dismissed the earlier application of this petitioner. Liberty was granted to the petitioner to renew her application, after completion of major portion of the investigation.

4.Now, the learned senior counsel for the petitioner claims that the

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investigation itself has been completed and final report has also been filed and it was taken on file in CC No.76 of 2024 by the Special Court for EC and NDPS Act cases, Pudukottai. According to the learned senior counsel, even in the final report, the respondent police has not found any materials as against this petitioner, except the confession statement of the co-accused.

5.On the other hand, the learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner is the wife of A1, who is the main accused in this case, from whom, the respondent police has recovered 60 kgs of ganja. On the confession statement of A1, they have conducted a search on the house of A2, where, 40 kgs of ganja has been recovered. According to the learned Additional Public Prosecutor, there is a bar under Section 37 of NDPS Act, since commercial quantity of ganja is involved in this case. The learned Additional Public Prosecutor has also raised the following objections:

- i. A1 and A2 were arrested along with the contraband of 100 kgs of ganja.

Based on the information provided by them, the petitioner/ A3 was arrested on 18.12.2023.

- ii. One Two wheeler Honda Deo bearing Reg.No.TN 55 BE 6795, which was used to transport the contraband and 2 OPPO Cell phones were recovered

from the petitioner/ A3.



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- iii. One gunny bag with contraband was loaded in the vehicle Honda Deo bearing Registration No.TN 55 BE 6795 belonging to the petitioner/A3 and the same was transported to the rental house of A2.
- iv. A8 along with A7, A9 and A6 have unloaded and segregated the contraband of 100 kgs of ganja, which was kept in five gunny bags in TATA Ace Vehile bearing Reg.No.TN 63 BK 9049.
- v. The respondent police arrested A2 and recovered the 40 kgs of contraband and at that time, the respondent police seized a CT 100 bike bearing Reg.No.TN 55 BH 9993, one Vivo T1X cell phone and contraband sold amount Rs.10,000/-.
- vi. A8 is the owner of the above vehicle, which was used by A2 for transportation of ganja
- vii. During investigation, based on CDR report, it was found that the petitioner/A3 contacted all other accused many times during the relevant period of the above said crime. Particularly, the petitioner contacted A1 and A2, who were arrested with contraband nearly 984 time and 14 times respectively.
- viii. The petitioner/A3 is the wife of A1, A4 is the mother in law of A1. A5 is the brother in law of A1 and brother of A3, A6 is the wife of A5, A8 and A9 are



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the sisters of A4. A7 is the daughter of A8. All are family members and all of them have involved in many similar cases.

6.In reply, the learned senior counsel appearing for the petitioner submits that a two wheeler has been recovered from this petitioner, after two days from the date of occurrence. The petitioner was also arrested after two days from the date of occurrence. According to the learned senior counsel, the vehicle was not used for the commission of offence, i.e. for transportation of ganja.

7.This Court considered the rival submissions made also perused the materials placed on record.

8.The learned Additional Public Prosecutor has raised serious objections that the petitioner is the wife of A1, who is the main accused in this case, from whom, a major portion of the contraband was recovered. They are doing this business as a family business. Apart from this case, the petitioner is also an accused in Crime No.745 of 2021 on the file of the Thirukkornam Police Station of Pudukottai District, for the offence under Section 8(C) r/w 20(b) (ii) (B) and 25 of NDPS Act. The petitioner's mother in law is arrayed as A8 and A8 is a person, who has recommended the second accused to the house owner. The respondent police has also recovered 40 kgs of ganja from A2. A2 is a stranger to that area, however, got a rental house with the help of A8, mother in law of the petitioner. In the confession



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statement of the A2, he has stated that this ganja has been transported to his house through a vehicle bearing Reg No.TN 55BE 6795, which belongs to this petitioner. The learned Additional Public Prosecutor states that this petitioner had frequent contacts with A2 and A8. The precious life of school going children is spoiled by the sale of ganja.

9. In view of the foregoing reasons, this Criminal Original Petition is dismissed.

sd/-
19/07/2024

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/ 08 /2024
Sub-Assistant Registrar (C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO
1 THE SUPERINTENDENT,
CENTRAL FEMALE PRISON, TRICHY.

2 THE INSPECTOR OF POLICE
PEW PUDUKOTTAI POLICE STATION,
PUDUKOTTAI
DISTRICT.



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

ORDER
IN

CRL OP(MD) No.10190 of 2024
Date :19/07/2024

PSP/JGB/SAR /06.08.2024/ 7P/ 4C

Madurai Bench of Madras High Court is issuing certified
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