



CRL OP(MD). No.13134 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13134 of 2024

V.Aarthi,

... Petitioner/ Accused No.6

Vs

**The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District,
Crime No.119/2024.**

... Respondent/ Complainant

For Petitioner : M/s. Manimaran.Na,Advocate.

**For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor**

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No.119/2024 on the file of the respondent police.

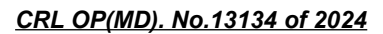
ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 01.04.2024 for the offences punishable under Section 8(c) r/w. Sections 20(b)(ii)(C) and 25 NDPS Act, in Crime No.119 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused had

illegally transported 20.600 Kgs of Ganja by using Car.

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



4. The learned counsel for the petitioner would submit that the petitioner has a tender child and she is in jail from 01.04.2024 and she was not in conscious possession of the contraband. She only travelled along with her husband and other friends. The husband had joined in the car, because the friends were travelling and they thought that they were only visiting the temples. Therefore, she was not in conscious possession. Even otherwise, in this case, even in the F.I.R, it is mentioned that the search was conducted, upon receiving secret information and the mandate under the Act was not at all followed by reducing the secret information into writing and informing the higher officials etc.. Therefore, prima facie, this is the case for acquittal only. Therefore, he would submit that the petitioner should be released on bail.

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CRL OP(MD). No.13134 of 2024

from 01.04.2024. The petitioner is having address near Andhra Pradesh and there is a likelihood of absconding to Andhra Pradesh. Now, she is having address near Ponneri and they all normally migrate to the other State, in the event of release on bail.

6. I have considered the rival submissions made on either side and and perused the material records of the case.

7. As far as the averment in the F.I.R is concerned, it can be seen that in this case, the petitioner and the other accused were caught red-handed, while the regular checkup was made pursuant to the election notification and the entire thing was also videographed. The secret information, which is said to have been received, does not specifically say about the contraband. Considering the fact that the quantity is commercial in nature and the investigation is yet to be completed and charge sheet is yet to be filed, at this stage, I am not inclined to enlarge the petitioner on bail.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
14/08/2024

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



CRL OP(MD). No.13134 of 2024

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TO

- 1 THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT,
2. THE SUPERINTENDENT,
DISTRICT FEMALE PRISON, TIRUNELVELI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.13134 of 2024
Date :14/08/2024

PSP/JGB/SAR /27.08.2024/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified
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