



CRL OP(MD). No.16445 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16445 of 2024

P.Monisha Sheela,

... Petitioner/ A2

Vs

Union of India,

Represented by its Intelligence Officer,

Directorate of Revenue Intelligence,

No.14, Saraswathi Nathi Street,

Mahatma Gandhi Nagar,

Madurai - 625014

(F.No.DRI/MDU/VIII/48/ENQ/INT-01/2024) ... Respondent/ Complainant

For Petitioner : Mr.J.Ramesh
Advocate

For Respondent : Mr.Arun Vadivel @ Sekar
Senior Advocate for
Special Public Prosecutor
for DRI Cases

PETITION FOR BAIL Under Sec.439 of Cr.P.C./483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in connection with F.No.DRI/MDU/VIII/48/ENQ/INT-01/2024 on the file of the Intelligence Officer, Directorate of Revenue Intelligence, Madurai.



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ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 01.03.2024 for the offences under Sections 21(c), 22(c), 28 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 in F.No.DRI/MDU/VIII/48/ENQ/INT-01/2024 on the file of the respondent police, seeks bail.

2. Mr.J.Ramesh, learned counsel appearing on behalf of the petitioner, would vehemently argue that except the confession of the co-accused, there is no material as against the petitioner, who was arrayed as A2 in the instant case.

3. He would further submit that the petitioner is a lady, and was working as a teacher. Only because of the fact that she is the wife of the first accused, she was roped in as an accused in this case, and was never in conscience possession of the contraband. She has two female children and their life is also in peril. The Courts have been considering the cases of women especially for grant of bail favorably.

4. The learned counsel would further rely upon the judgment of the Honourable Supreme Court of India in *Prem Prakash vs. Union of India through*



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the Directorate of Enforcement [2024 SCC OnLine SC 2270], more specifically
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relying upon the paragraph No.7 to contend that the confession of the co-accused
cannot be a material so as to implicate the petitioner, and the petitioner should be
released on bail.

5. I have considered the said submissions made by the learned counsel for the
petitioner.

6. This is not a case where the petitioner was arrayed as an accused merely on
the basis of the co-accused's confession statement. Originally, the petitioner's
husband was intercepted, and was found to be in possession of a huge quantity of
31 Kgs of Methamphetamine (50 Grams itself is the commercial quantity). Upon his
arrest, when his house was sought to be searched, the petitioner was present in the
house. However, nothing was found in the house. The petitioner is said to have
confessed that she has packed the remaining contraband in two plastic bags and
thrown them in the garbage. The petitioner led the respondents to the garbage bin.
However, in the meanwhile, the garbage bin was lifted and the entire garbage had
been sent to the dump yard. The petitioner accompanied the respondent police to
the dump yard and identified the plastic bags, in which, she had stored 6.145
Kilograms of Methamphetamine and the said quantity itself is a huge quantity



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which was recovered from this petitioner only. Therefore, in this case it cannot be said that the petitioner is arrayed as an accused only on the confession of the co-accused.

7. When the offence is serious crime as against the humanity, and when the petitioner along with the accused are involved in an offence under the NDPS Act of huge quantity of Methamphetamine, which can affect a large number of individual youth and children, the argument relating to the petitioner being female and that she had female children absolutely does not appeal to this court.

8. On the earlier occasion itself, the petitioner's bail petition was considered in detail and by an order, dated 27.08.2024, this Court had dismissed the said bail application. There is no change of circumstances to enlarge the petitioner on bail.

9. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
27/09/2024

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/10/2024
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 INTELLIGENCE OFFICER,
UNION OF INDIA,
DIRECTORATE OF REVENUE INTELLIGENCE,
NO.14, SARASWATHI NATHI STREET,
MAHATMA GANDHI NAGAR,
MADURAI - 625014

2 THE SUPERINTENDENT
CENTRAL PRISON FOR WOMEN, MADURAI.

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

ORDER
IN

CRL OP(MD) No.16445 of 2024

Date :27/09/2024

SS/MMS/SAR- /16/10/2024/5P/4C

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