



CRL OP(MD)No.18855 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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V.Vanitha

... Petitioner/ Accused No.8

Vs

The Inspector of Police,
Vikkaramangalam Police Station,
Madurai District.
Crime No.136 of 2023

... Respondent/Complainant

For Petitioner : Mr.Kathirvelu, Senior Counsel
for Mr.N.Manimaran, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.136 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on



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15.09.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(c) and 25 NDPS Act and 201 IPC in Crime No.136 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.09.2023, at about 14.00 hours based on the secret information, the respondent police intercepted A1's vehicle and recovered 2kgs of ganja. Based on the confession statement of A1, the respondent police intercepted a vehicle bearing Reg.No.TN-83-D-7135 and recovered 200 kgs of ganja. Hence, the case.

3.The learned senior counsel appearing for the petitioner would submit that admittedly the respondent police recovered contraband from A1 and nothing was recovered from the petitioner herein. As per the prosecution case, the petitioner herein is the wife of A1 and except the said relationship, no other averments are made as against the petitioner herein. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is a prima facie case as against the petitioner and she is also actively involved in the illegal transportation of the contraband and hence, he vehemently opposed to grant bail to the petitioner. In support of his contention, he relied upon the decision of the Hon'ble Supreme Court reported in 2021 SCC Online



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Chh-469 and decision of this Court in CrI.O.P.Nos.15066 & 11853 of 2020 dated

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30.09.2020.

5.Heard the learned counsel on either side. The Investigation Officer, Mrs.A.Thilagarani, Inspector of Police, Checkanurani Police Station is present before this Court.

6.Admittedly, the contraband involved in this case is a commercial quantity and the same was recovered from A1. Except husband and wife relationship between the petitioner and A1, no other incriminating materials are available as against the petitioner and nothing was recovered from her.

7.Considering the above facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on her executing 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 Principal Special Court for EC & NDPS Act Cases, Madurai and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(b)the petitioner shall report before the respondent police as and when required;

(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)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 learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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18/01/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

GNS



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TO
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- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
VIKKARAMANGALAM POLICE STATION,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICL JAIL, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.NA.MANI MARAN, Advocate (SR-794[I] dated 18/01/2024)

ORDER

IN

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Date :18/01/2024

SS/SAR- /18/01/2024/5P/6C

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