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CRL OP(MD). No.22224 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.22224 of 2023

Anitha,

... Petitioner/ Accused 12

Vs

The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.355/2023.

... Respondent/Complainant

For Petitioner : M/s.KRISHNAVENI P,
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.355/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A12, who was arrested and remanded to judicial custody on 26.10.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of NDPS Act r/w 116 of IPC, in Crime No.355 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner along with other accused were found in possession of 42kgs of Ganja illegally. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that no recovery was made from the petitioner and the allegation against the petitioner is that she facilitating the accused persons for transfer of money through her account for purchasing Ganja, except this allegation, no allegation was made against her. He would further submit that the petitioner is a married women and she is in judicial custody since 26.10.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has earlier filed bail application in CrI.O.P.(MD)No.21210 of 2023 and the same was dismissed by this Court on 24.11.2023 and there is no change of circumstance and hence, he vehemently, opposed to grant bail to the petitioner. However, he fairly conceded that the contraband was not recovered from the petitioner and no previous case is pending against her. Further, the petitioner facilitating the accused persons for transfer of money through her account for purchasing Ganja, which is a heinous one.

5.Heard the learned counsel on either side.

6.The facts in the present case are not in dispute. Admittedly, the petitioner is arrayed as A12 in this case and the allegation made against the petitioner is that she



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facilitating the accused persons for transfer of money from through her account for purchasing Ganja and except this allegation, no recovery was made from her and the contraband was recovered from the main accused. However, the petitioner is not having any previous case of similar in nature.

7.Mr.Atham Ali, Inspector of Police, Nanguneri Police Station is present before this Court and stating that the petitioner is facilitating the accused persons for transfer of money through her account and no previous case is pending against her.

8.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and the petitioner is a married women and she is not having any previous case, this court is inclined to grant bail to the petitioner with certain conditions.

9.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released 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 learned Principal Special Court for Narcotics Drugs and Psychotic Substances 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 is directed to appear before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

sd/-
04/01/2024

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04/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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SJI

TO

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1 THE PRINCIPAL SPECIAL JUDGE

FOR NAROTICS DRUGS AND PSYCHOTIC SUBSTANCES ACT CASES,
MADURAI.

2 THE OFFICER INCHARGE,
SPECIAL SUB JAIL, KOKKIRAKULAM, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.22224 of 2023

Date :04/01/2024

SA/SAR. /04.01.2024/5P/5C

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