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Crl.O.P.Nos.9272 & 9276 of 2025

0 IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.9272 & 9276 of 2025

Ammalambal @ Appallanarasa

...Petitioner/Accused 2
in Crl.O.P.No.9272 of 2025

Kunthi Parvathi

...Petitioner/Accused 3
in Crl.O.P.No.9276 of 2025

Vs.

State rep by
The Inspector of Police,
NIB CID, Salem.

(Crime No.60 of 2024)

...Respondent in both Crl.O.Ps.

Common Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.60 of 2024 pending investigation on the file of the respondent police.

(In both Crl.O.Ps.)

For Petitioner : Mr.S.Prabhu

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)



COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners,

who were arrested and remanded to judicial custody on 25.08.2024, seeking bail in Crime No.60 of 2024 registered for the offence under Section 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act.

2. The case of the prosecution is that on secret information, the first accused was found in possession of 270 kgs of ganja which is commercial quantity; that his confession statement revealed that the petitioners had purchased the contraband from Andra Pradesh and transported the same through A1, who in turn sold it to A5 for the purpose of sale.

3.The learned counsel for the petitioners would submit that the allegations against the petitioners are false; the petitioners are sought to be implicated only on the confession of co-accused, there is no other material to connect the petitioners with the other accused, except for the CDR details suggesting that the petitioners had made frequent calls to A1; that there are no bad antecedents against the petitioners and hence, the petitioners have satisfied twin conditions of Section 37 and considering the period of



incarceration, he sought for bail.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the petitioners are sought to be implicated only on the confession of the co-accused; that there are no bad antecedents against the petitioners and CDR details revealed that both the petitioners have contacted A1 continuously.

5. Admittedly, no contraband was seized from the petitioners. The petitioners are sought to be implicated on the confession of the co-accused. Apart from the confession, the only other material to connect him with the other accused is the call details. The petitioners have no bad antecedents and hence this Court is of the view that the petitioners have satisfied the twin conditions under Section 37 of the NDPS Act.

6. Considering the aforesaid facts and circumstances, period of incarceration and further custody of the petitioners are not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties (one surety must be a blood relative of the petitioner)**, each for a like sum to the satisfaction of the learned **Special Judge for E.C & NDPS Act Cases, Salem,** 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;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed



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and the petitioners 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];***

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
NIB CID, Salem.
- 2.The Special Judge for EC & NDPS Act Cases, Salem.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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