



Crl.O.P.No.23445 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

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THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23445 of 2025

Rajammal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kolathur Police Station
Mettur Taluk
Salem District
Crime No. 256 of 2018

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of her arrest in connection with Crime No. 256 of 2018 on the file of respondent police.

For Petitioner : M/s. D.Lakshmipathy

For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(b) r/w 20(a)(i)(c) of NDPS Act, 1985 in Crime No. 256 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the respondent police reached the spot and found that 1st accused cultivated 36 ganja plants weighing around 30 kgs in his patta land which stands in the name of his wife/A2/the petitioner herein. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and she has been falsely implicated in this case. He submits that she has not committed any offence as alleged by the prosecution. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for her release. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) for the respondent police reiterated the prosecution case and submits that this is the 2nd anticipatory bail petition. He also submits that 1st accused, who is husband of the petitioner was arrested and subsequently, enlarged on bail by this Court. However, he opposed



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to grant anticipatory bail to the petitioner.

5. The petitioner herein apprehending arrest for the offences under Section 8(b) r/w 20(a)(i)(c) of NDPS Act, 1985. The FIR registered in Crime No. 256 of 2018 alleging that this petitioner and her husband had cultivated ganja plants in their patta land. On information, the Respondent Police seized 36 ganja plants weighing around 30 kg and later the same was destroyed after obtaining permission from the court on 19-07-2025. The husband of the Petitioner was arrested and released on bail. This Petitioner is absconding since then. The Learned Government Advocate (Crl.side) states that the final report not filed so far. The learned counsel for the Petitioner states that the entire plant with roots stem and the flowering parts been weighed and not separately as contemplated under the Act. This Court, on considering the long delay in filing a final report, is inclined to grant anticipatory bail to the petitioner .

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of 10 (ten) days from the date of receipt of a copy of this order, before the learned **III Additional District Judge/Special Court for EC Act cases (FAC), Salem** on condition that the petitioner shall execute 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



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Magistrate concerned and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of 10 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed 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)13 SCC 283]**;



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

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To

- 1.The III Additional District Judge/Special Court for EC Act cases (FAC),
Salem
2. The Inspector of Police,
Kolathur Police Station
Mettur Taluk
Salem District
- 3.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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