



CRL OP(MD). No.294 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.294 of 2025

Minnalkodi

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No.652 of 2023

... Respondent/Complainant

For Petitioner : Mr.B.Arun

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.652 of 2023 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 06.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/A3 was remanded to judicial custody on 07.11.2024 for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.652 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 29.12.2023, at about 12:15 p.m., the defacto complainant, the Sub-Inspector of Police, along with his team, was on patrol duty near Mekizharpatti Service Road, Usilampatti-Batlagundu Road. They found that A1 was in possession of 24 kg of ganja. The respondent-police seized the ganja and one cell phone from A1. Based on her confession, the respondent-police proceeded to Kokudaiyanpattai and found that A2 was in possession of 36 kg of ganja. Hence, this case. Based on the confession of A2, the other accused persons have been named as accused. The petitioner is A3 in this case.



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4. Mr.B.Arun, the learned counsel appearing for the petitioner submits that the petitioner/A3 is none other than the wife of A4. A4 was arrested on 05.11.2024. Thereafter, the petitioner/A3 surrendered before the Court on 07.11.2024. He further submits that no ganja was seized from either the petitioner or her husband. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that A1 and A2 procured ganja from the petitioner/A3 and her husband/A4. The petitioner and her husband procured ganja from Andhra Pradesh. He further submits that, if bail is granted to the petitioner, she may commit a similar offence and may attempt to tamper with the evidence. He further submits that, charge sheet has been filed in this case in C.C.No.179 of 2024 before the concerned Court. The petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was remanded to 07.11.2024 and has been in judicial custody.

Based on the confessions of A1 & A2, the petitioner has been arrayed as an accused.



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No ganja was seized from the petitioner. The petitioner is a woman. Upon careful consideration of the records, this Court is of the view that no contraband was seized from the petitioner. However, prosecution claims that the petitioner and her husband, along with other accused, conspired together and procured 60 kg of ganja, which is commercial quantity. However, even though there is no direct recovery from the petitioner, the petitioner cannot disown her liability in view of the presumption stated in the NDPS Act. It is to be noted that the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not prejudice the rights of the prosecution to establish its case during the trial. The petitioner has permanent residence. Therefore, there is less possibility of absconding. The petitioner has no previous case. Considering the above and also considering totality of circumstances and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judge, Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai;



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judge, Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish her residential address and mobile number;



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(vii) The petitioner shall appear and sign before the learned Judge, Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai on all working days at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Judge, Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
24/02/2025

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24/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI



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- TO
- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.
 - 2 THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT
CENTRAL PRISON WOMENS, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.B.ARUN, Advocate (SR-2025[I] dated 24/02/2025)

ORDER
IN
CRL OP(MD) No.294 of 2025
Date :24/02/2025

SS/SAR- /21/02/2025/ 7P/6C

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