



CRL OP(MD). No.695 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Vanathai

... Petitioner/ A2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
PEW Police Station,
Madurai City.
Crime No.706/2024.

... Respondent/Complainant

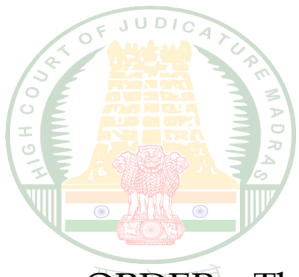
For Petitioner : Mr.M.Jegadeesh Pandian, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioner/ Accused No.2 on bail in C.C.No. 427/2024 on the file of the Principal Special Court for NDPS Act Cases, Madurai forthwith.



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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 09.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/A2 was arrested and remanded to judicial custody on 28.06.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.706 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 12.06.2024, at 23:00 hours, based on secret information, when the defacto complainant, the Sub-Inspector of Police, along with his team, was conducting an inspection near Sudhagar Tea Shop at Solaiazhagupuram 3rd Street, they found that A3 was in possession of 4.750 kgs of ganja. On seeing the police, A3 attempted to escape. However, the police apprehended him. Based on his confession, on 13.06.2024, at about 02:45 a.m., the police proceeded to the house of A1. On seeing the police, A1 fled the scene. On searching his house, the police found 28.140 kgs of ganja stored inside. The police seized the ganja and arrested A3. Further, 1.250 kg of ganja was seized from the house leased to A1. Thereafter, on 28.06.2024, when the petitioner and A4 came to sell

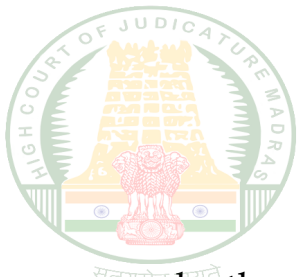


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5 kg of ganja to A1 in a car bearing Registration No.TN-77-F-2580, they were arrested, and the ganja was seized. During the investigation, it was revealed that the petitioner is a wholesaler of ganja, purchasing it from the son of her brother (A5) in Andhra Pradesh and selling the same to A1. Hence, the case.

4. Mr.M.Jegadeesh Pandian, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. The said Prabhu/A3 and Vijayarajan/A1, in their confession, did not state anything about the petitioner. He further submits that a false case has been foisted against the petitioner and the petitioner has no previous case. The petitioner has been in incarceration since 28.06.2024. The investigation has been completed, and the final report was filed. The same has been taken on file as C.C.No.427 of 2024 on the file of the learned Special Judge, Principal Special Court for NDPS Act cases, Madurai District. He further submits that she is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the petitioner herein have contacted the other accused persons numerous times and that the CDR report clearly

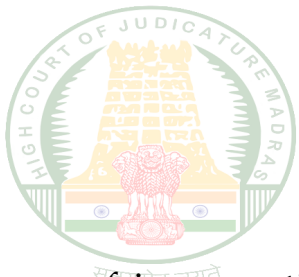


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reveals the involvement of the petitioner. He further submits that though the investigating agency seized 28.140 kg of ganja from the co-accused, in view of the facts and circumstances of the case, this petitioner had sold 28.140 kg of ganja, which is a commercial quantity, to A1. Apart from that, the petitioner and A4 were in possession of 5 kg of ganja. He further submits that in view of the rigour of Section 37 of NDPS Act, the petitioner is not entitled for the relief sought for in this petition. Accordingly, he prays to dismiss this petition.

6. This Court has considered the rival submissions made. This Court has perused the FIR and the Charge Sheet.

7. In view of the fact that the respondent police seized only 5 kgs. of ganja from the petitioner when he was with A4. As per the prosecution case, the petitioner is said to have sold 35.140 kg of ganja to A1, which was seized from A3 and the houses of A1. The said aspects could be elicited only during the trial. This Court is of the considered view that the rigour stated in Section 37 of the NDPS Act would not be applicable to the petitioner. Further, the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the above facts and also considering the fact that the petitioner is a woman and also taking note of the period



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of incarceration and the petitioner is the first offender and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant an order of bail to the petitioner, however, 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 Principal Special Judge, Principal Special Court for NDPS Act Cases, Madurai District;

(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 Principal Special Judge, Principal Special Court for NDPS Act Cases, Madurai District 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 she is accused, or suspected, of the commission of which she is suspected;



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(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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

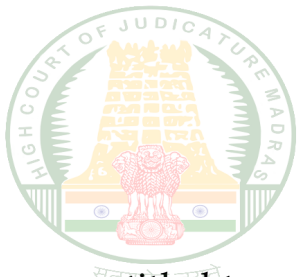
(vi) The petitioner shall furnish her residential address and mobile number to the learned Principal Special Judge, Principal Special Court for NDPS Act Cases, Madurai District;

(vii) The petitioner shall appear and sign before the learned Principal Special Judge, Principal Special Court for NDPS Act Cases, Madurai District, on all working days at 10.30 a.m., until further orders;

(viii) The petitioner shall not leave either Tamil Nadu or India without previous permission of the Court; and

(ix) On breach of any of the aforementioned conditions, learned Principal Special Judge, Principal Special Court for NDPS Act Cases, Madurai District, is

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entitled to pass appropriate orders against the petitioner in accordance with law as if
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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].

7. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra. However, it is made clear that the observation made by this Court in this order is only for a limited purpose of deciding the bail application alone. It will not affect the stand of the prosecution.

sd/-
18/02/2025

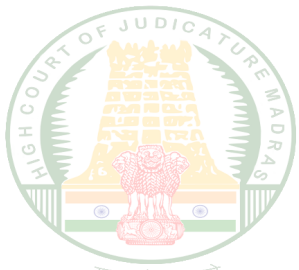
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18/02/2025
Sub-Assistant Registrar (VIGILANCE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. The Principal Special Judge,
Principal Special Court for NDPS Act Cases, Madurai District.
2. The Officer-in-charge,
Special Prison for Women, Madurai.
3. The Inspector of Police,
PEW Police Station,
Madurai City.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-1771[I] dated 18/02/2025)

ORDER
IN
CRL OP(MD) No.695 of 2025
Date :18/02/2025

RK (18/02/2025) 8P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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