



CRL OP (MD) No.685 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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B.Vasanthi

... Petitioner/ A4

Vs

The State of Tamil Nadu,
Rep by. The Inspector of Police,
PEW-Pudukottai Police Station,
Pudukottai District,
Cr.No.1058 of 2023.

... Respondent/Complainant

For Petitioner : Mr.N.Mani Maran,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To grant bail to the petitioner/ Accused No.4 in C.C.No.76 of 2024 on the file of the learned Additional District Judge, Special Court for EC and NDPS Act cases, Pudukkottai in connection with Crime No.1058/2023 on the file of the respondent-police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 09.01.2025



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
grant bail.

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2. The petitioner/A4 was arrested and remanded to judicial custody on 25.04.2024 for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.1058 of 2023 on the file of the respondent-police. After investigation, charge sheet has been filed and the same was taken on file by the learned Additional District Judge, Special Court for EC and NDPS Act cases, Pudukkottai in C.C.No.76 of 2024.

3. The case of the prosecution is that, on receiving secret information, on 17.12.2023, at about 17:30 hours, the respondent-police conducted a vehicle check-up near Singamuthur Ayyanar Temple. At that time, they found that A1 was in possession of 60 kgs of ganja in an auto bearing registration No.TN-55-BH-7284. Based on the statement given by A1, the police proceeded to the house of A2, where they found that A2 was in possession of 40 kgs of ganja, which was intended for export to Sri Lanka. During the investigation, it was revealed that the accused persons had purchased 100 kgs of ganja from Andhra Pradesh and attempted to transport it in several vehicles for export to Sri Lanka. Hence, the case.

4. Mr.N.Manimaran, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, she has not committed the offence as alleged



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by the prosecution, and she has been falsely implicated in this case. He further submits that based on the confession of A1 only, the petitioner herein is said to have been arrayed as A4 and no contraband was recovered from the petitioner. He further submits that in view of the close relationship with the accused persons, the petitioner herein was falsely implicated in this case. He further submits that the petitioner was arrested and has been in judicial custody since 25.04.2024, i.e., for more than 10 months. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. 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, submits that there are 7 previous cases against the petitioner, of which 3 ended in conviction, and in one case, she has been acquitted. He further submits that the petitioner herein is the mother-in-law of A1, and all the other accused persons are family members of the petitioner. He further submits that the case is posted for framing charges, and at this stage, if the petitioner is enlarged on bail, she may abscond, delay the trial and also commit similar type of offence. Accordingly, he strongly opposes to grant bail to the petitioner.

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

7. The alleged occurrence took place on 17.12.2023, and the respondent-police



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seized 60 kgs of ganja from A1 and 40 kgs of ganja from A2. Based on the confession of A1, the petitioner herein was arrayed as A4, and she is the mother-in-law of A1. Admittedly, no contraband was recovered from the petitioner. The submission of the learned Additional Public Prosecutor is that the CDR details and other materials collected by the investigating agency show that the petitioner has committed the offence. However, merely because CDR details are available, these materials are not sufficient to conclude that the petitioner has committed the offence. It is to be noted that the above view is recorded solely for the purpose of deciding the bail petition. This view, in no way, would cause any prejudice to the rights of the prosecution in establishing the case during the trial. In view of the above, this Court is of the view that further custody of the petitioner is not necessary in this case.

8. Considering the same, and also considering the facts that the petitioner has been in judicial custody for more than 10 months and the petitioner is a woman and with a view to give one more 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 Additional District



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Judge, Special Court for EC and NDPS Act Cases, Pudukkottai.

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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 Additional District Judge, Special Court for EC and NDPS Act Cases, Pudukkottai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned Additional District Judge, Special Court for EC and NDPS Act Cases, Pudukkottai;

(iv) The petitioner shall appear before learned Additional District Judge, Special Court for EC and NDPS Act Cases, Pudukkottai on all working days at 10.30 a.m., until further orders;

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

(vi) 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;

(vii) 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



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evidence;

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(viii) The petitioner shall not directly or indirectly any threat to the family members of the deceased and witnesses; and

(ix) On breach of any of the aforementioned conditions, learned Additional District Judge, Special Court for EC and NDPS Act Cases, Pudukkottai 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].

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

sd/-
14/03/2025

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14/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL FEMALE PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
PEW PUDUKOTTAI POLICE STATION, PUDUKOTTAI DISTRICT,

<https://www.mmc.tri.gov.in/judis>



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

ORDER
IN
CRL OP(MD) No.685 of 2025
Date :14/03/2025

SA/SAR. /14.03.2025/7P/5C

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