



CRL OP (MD) No.2606 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.2606 of 2025

S.Vidhya

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
PEW-Police Station,
Pudukottai, Pudukottai District.
Crime No.1058 of 2023

... Respondent/ Complainant

For Petitioner : Mr.P.Veerapandi
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioner on bail in connection with C.C.No.76 of 2024 on the file of the learned Additional District Judge for EC and NDPS Act Cases, Pudukkottai, in connection with Crime No.1058 of 2023 on the file of the respondent-police.



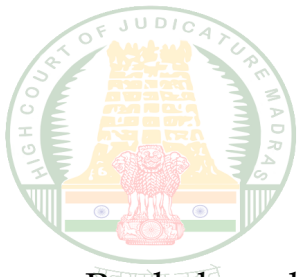
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ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 18.12.2023 for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii)(C) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, 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 of 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, including the petitioner (A3), had purchased 100 kgs of ganja from Andhra



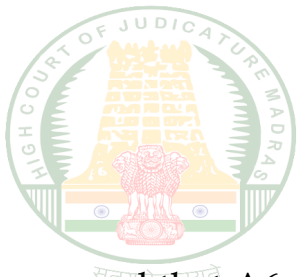
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Pradesh and attempted to transport it in several vehicles for export to Sri Lanka.
Hence, the case.

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4. Mr.P.Veerapandi, learned counsel appearing for the petitioner, submits that this is the 3rd bail application filed by the petitioner and the earlier petitions filed by the petitioner in CrI.O.P (MD) No.4748 of 2024 and CrI.O.P (MD) No.10190 of 2024 were dismissed by this Court on 12.04.2024 and 19.07.2024 respectively. He further submits that the petitioner is an innocent person, that she has not committed the offence as alleged by the prosecution, and that she has been falsely implicated in this case. He further submits that only based on the confession of co-accused, the petitioner herein has been arrayed as A3 and that no contraband was recovered from her. He further submits that the petitioner has been in judicial custody since 18.12.2023 i.e. for more than 480 days and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the accused persons were transporting ganja in large quantities to various places, including Sri Lanka. He further submits that the petitioner (A3) was assisting Accused No.1 in the loading and shifting of the contraband. He also submits that Accused No.5 is still absconding,



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and that A6 and A7 have been granted pre-arrest bail by this Court on 29.02.2024 and 27.02.2024 respectively, and A4 has been granted bail by this Court on 14.03.2025. However, he further submits that if bail is granted to the petitioner, she may commit a similar offence and abscond and delay the trial. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the CD file.

7. The alleged occurrence took place on 17.12.2023, and the respondent-police 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 A9. Admittedly, no contraband was recovered from the petitioner. The only overt act attributed to the petitioner is that she provided her motorcycle to Accused No.2 for selling the contraband. Except for this act, there is no material on record connecting the petitioner with the crime. 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



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is of the view that further custody of the petitioner is not necessary in this case.

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Considering the same and also considering the fact that the petitioner is a woman and the period of incarceration suffered by the petitioner 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Additional District Judge for EC and NDPS Act Cases, Pudukkottai;

(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 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 for EC and NDPS Act Cases, Pudukkottai;

(iv) The petitioner shall appear and sign before the learned Additional District Judge for EC and NDPS Act Cases, Pudukkottai on all working days at 10.30 am until further orders;



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(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 evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Additional District Judge 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 her 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

To

1. The Additional District Judge for EC and NDPS Act Cases,
Pudukkottai.
2. The Superintendent,
Central Prison (Women), Trichy.
3. The Inspector of Police,
PEW Police Station,
Pudukkottai, Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-4297[I] dated 16/04/2025)



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ORDER
IN
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Date :15/04/2025

AS/SAR/ (16/04/2025) 8P / 6C

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