



CRL OP (MD) No.5216 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5216 of 2025

Pradista

... Petitioner/ Accused No.4

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Thoothukudi PEW Police Station,
Thoothukudi.
Crime No.339 of 2024

... Respondent/Complainant

For Petitioner : Mr.J.Selvam
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :- To release the petitioner on bail in the case in C.C.No.454 of 2024 on the file of the learned I Additional Special Judge for NDPS Act Cases, Madurai in connection with Crime No.339 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :

This Criminal Original Petition has been filed by the petitioner on 19.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to



grant bail.

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2. The petitioner/Accused No.4 was arrested and remanded to judicial custody on 21.06.2024 for the alleged offences punishable under Sections 8(c), 22(c), 24 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 @ Sections 8(c), 22(c), 24, 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.339 of 2024 on the file of the respondent-police. After completion of investigation, the respondent-police filed the charge sheet and the same was taken on file by the learned I Additional Special Judge for NDPS Act Cases, Madurai in C.C.No.454 of 2024.

3. The case of the prosecution is that on 21.06.2024, at about 5:30 p.m., while the respondent-police were conducting a routine vehicle check-up at Sathyanagar Bridge on the Thoothukudi-Thiruchendur Road, they intercepted a two-wheeler bearing Registration No.TN-69-BR-8653. Upon search and enquiry, it was found that Accused No.1 and Accused No.2, a couple, were in illegal possession of 7.9 kg of Methamphetamine. During investigation, A1, who is a fisherman, confessed that he used to transport illegal substances as instructed by unknown individuals contacted via WhatsApp calls. He did so by boat, for monetary consideration, with the help of his sister-in-law and father-in-law, who are the petitioner herein and the father of A2, respectively. As per the instructions received through WhatsApp calls from unknown



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persons, A1 had received 10 kg of Methamphetamine from unidentified sources for transport to Sri Lanka. However, instead of transporting the drugs to Sri Lanka, A1 attempted to sell the same locally with the assistance of the co-accused, including the petitioner. Out of the total quantity, 2 kg of Methamphetamine had already been sold. When A1 and A2 attempted to sell the remaining 8 kg, they were apprehended by the respondent-police. Hence, the case.

4. Mr.J.Selvam, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that she has been falsely implicated in this case. He further submits that the petitioner has been arrayed as A4 only based on the confession of A1 and that no contraband was recovered from the petitioner. He further submits that the petitioner has been in judicial custody since 21.06.2024 and is ready to abide by any condition 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 contraband (Methamphetamine) involved in this case is 7.9 kg, and that during the relevant period, a sum of Rs.42,000/- was credited to the bank account of the petitioner, which clearly establishes the petitioner's involvement in the crime. He further submits that the petitioner has no previous criminal record. However, he prays to dismiss this



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6. Heard on both sides and perused the records including the CD file.

7. The petitioner was arrested on 21.06.2024 based on the confession of A1 and has been in judicial custody since then. The petitioner's husband is a fisherman and has two children. The prosecution agency relied on Bank Account Statement of the petitioner to connect the petitioner with the crime. To be noted, Bank Account Statement is the only material available on record against the petitioner. Further, there is no evidence to show that the petitioner received a sum of Rs.42,000/- from and out of the sale proceedings of the contraband. Admittedly, the petitioner has no previous case. In view of the facts and circumstances, the rigors stated under Section 37 of NDPS Act would not be applicable to the facts of the present case. To be noted, the above view is recorded only for the purpose of deciding the bail application. This view in any way would not cause prejudice to the rights of the prosecution in establishing its case during trial. Considering the same as well as the fact that the investigation has been completed and the final report was filed, which was taken on file by the learned I Additional Special Judge for NDPS Act Cases, Madurai in C.C.No.454 of 2024, and taking note of period of incarceration and the fact that the petitioner is a first offender, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner



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subject to the following conditions:

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(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned I Additional Special Judge for EC and NDPS Act Cases, Madurai;

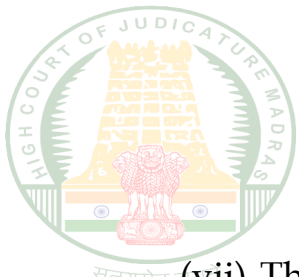
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned I Additional Special Judge for EC and NDPS Act Cases, Madurai shall obtain a copy of any one of identity proofs 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 and she shall always keep her mobile phone in switched on mode;



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(vii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m., until further orders;

(viii) The petitioner shall not leave Tamilnadu without prior permission from the I Additional Special Judge for EC and NDPS Act Cases, Madurai;

(ix) On breach of any of the aforementioned conditions, the learned I Additional Special Judge for EC and NDPS 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/-
28/04/2025

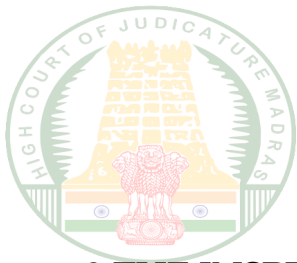
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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO

1 THE I ADDITIONAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, KOKKIRAKULAM,
TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE,
THOOTHUKUDI PEW POLICE STATION,
THOOTHUKUDI.

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

ORDER
IN
CRL OP(MD) No.5216 of 2025
Date :28/04/2025

SA/SAR. /30.04.2025/7P/5C

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