

In the court of the Principal Special Court for EC & NDPS Act Cases, Madurai.

Present : Thiru.V.Padmanabhan, M.A., M.L. D.H.
Additional District Judge / Presiding Officer.

Dated this the 10th Day of June 2020, Wednesday.

Special CrI.M.P.No. 105 of 2020

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Sarashwathi @ Thonthiyammal,(68/2020)
W/o.Anga Thevar.

.. Petitioner/Accused.

/Versus/

State through the Inspector of Police,
NIB CID, Madurai.
Cr.No.130/2019.

.. Respondent/Complainant.

This bail petition is filed through online /email on 28.05.2020 account of the Court Manager, Principal District Court, Madurai and taken on file before me finally on this day in the presence of Tmt.J.Abiramasundari, Advocate for the petitioner and Thiru.P.Seetharaman, Special Public Prosecutor for the State and upon perusing the records this court delivered the following:-

ORDER

Heard both sides through conference call.

2) The learned Counsel appearing for the petitioner/accused would submit that the petitioner has been in judicial custody from 22.12.2019 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (C), 25, 27(A) & 29(1) of NDPS Act; that the petitioner did not involve in this case incident as alleged on prosecution side; that the petitioner is an innocent person; that if the petitioner is released on bail she will abide the conditions of this court and that she may be released on bail

3) In the objections filed on prosecution side it is stated that the contraband totally involved in this case incident is 38.660 kgs and the petitioner along with co-accused procured ganja from Andhra Pradesh State and transported the same to Tamil Nadu after hatched with conspiracy; that the petitioner involved in similar nature of offence in which commercial quantity was involved; that another accused was absconded; that investigation is pending and that petition may be dismissed

4) In the objections filed on prosecution side it is specifically stated that the petitioner already involved in similar nature of offence. As per S.37 of NDPS Act in respect of commercial quantity the Court cannot grant bail to the accused as a matter of routine. The court has to satisfy based on the reasonable grounds that the accused will not be found guilty if the trial is taken up. Further, this Court has to satisfy that if the accused was granted bail she will not commit any such similar offence on bail. As indicated in the objections the petitioner already involved in similar nature of offence. From the previous case and present case both are come under commercial quantity of contraband, this court could not hold that the petitioner will not involve in similar offence in future if she is granted bail.

5) From perusal of entire case records including confession statement of this petitioner and co-accused, at this stage prima facie material is available to show that the petitioner and co-accused persons went to Andhra Pradesh State and procured contraband there and transported the same which was recovered at the time of incident in the spot.

6). For granting bail in a case involving commercial quantity under NDPS Act satisfaction in terms of section 37 of NDPS Act must be records. But the petitioner did not put forth any reasonable ground for belief that she is not guilty of offence and she is not likely to commit the offence on bail.

7) After dismissal of earlier bail application there is no change of circumstances.

8) Considering the above circumstances, serious objections on prosecution side, previous bad antecedents of the petitioner, stage of the case and in the interest of justice, this court is not inclined to grant bail to the petitioner at this stage.

In the result, this petition is dismissed.

(Sd.) V. Padmanabhan,
Additional District / Judge Presiding Officer,
Prl. Spl Court for EC & NDPS Act Cases,
Madurai.