

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 16th Day of June 2020, Tuesday

Special CrI.M.P.No. 126 of 2020

Selvi,(41/2020)

W/o.Selvam.

.. Petitioner/Accused.

/Versus/

State through the Inspector of Police,
Dindigul Taluk Police station.

Cr.No.727/2019.

Respondent/Complainant.

This bail petition is filed through **online**/email on 12.06.2020 account of the Court Manager, Principal District Court, Madurai and taken on file before me finally on this day in the presence of Thiru.A.Singathevan, 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 07.12.2019 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (C), 25 & 29(1) of NDPS Act; that the petitioner did not involve in this case incident as alleged on prosecution side; that no mandatory provisions followed in this case; that confession statement was typed in computer and there is no possibility for the respondent to type the document in the scene of occurrence; that the petitioner's daughter is in the stage of advance pregnancy and petitioner has to look after her and the delivery date fixed on 21.06.2020; that the petitioner may be granted interim bail and that petitioner may be released on interim bail.

3) In the objections filed on prosecution side, it is stated that on 06.12.2019 on receipt of secret information the Sub Inspector of Police, Dindigul Taluk Police Station

along with his team proceeded to scene of occurrence, where they found petitioner and co-accused were in possession of contraband; that thereafter he explained the rights of the accused in terms of S.50 of NDPS Act, that seized contraband totally weighing 213 kgs and two wheelers under seizure mahazar; that absconding accused has to be arrested; that investigation is pending; that earlier bail application filed by the petitioner before Hon'ble High Court was already dismissed; that if the petitioner is released on interim bail it would be difficult trace out the absconding accused and that petition may be dismissed.

4) Admittedly, the petitioner has been in judicial custody from 07.12.2019 and the quantity of the contraband involved in this case incident 213 kgs. In normal course, the bail application for the commercial quantity cannot be considered favourably without strong merits in terms of S.37 of NDPS Act. At the out set, this court records that the petitioner does not indicate any reasons, emergency in nature warranting interim bail in favour of her.

5) This court in some cases granted interim bail on special reasons to attend last ritual of accused's parents. The bail has been moved on the sole ground that the petitioner's daughter is in advance stage of pregnancy; that the petitioner has to look after her and that interim bail may be granted. Further, during argument hearing, the learned Counsel submitted that interim bail may be granted for two months. Admittedly, earlier two bail applications filed by the petitioner were dismissed on merits in touch stone of requirements of S.37 of NDPS Act. Moreover, in the last bail application moved by the petitioner which was dismissed on 01.06.2020, did not contain this reason as one of the ground. For the first time petitioner introduced this reason. Further, the contention of the petition that except petitioner no one is available to look after her daughter is not believable one. In this case considering the all facts and circumstances the court could not see valid ground to sustain this petition.

6) Admittedly, the petitioner is lodged in prison at Madurai and she hails from a village situated in Dindigul District. At present situation, releasing the prisoner on interim bail for two months period to go to her native village situated in other district and after elapse of two months period returning to prison is not only healthy and safe for the

prisoner, but also other inmates. Considering above circumstances and in the interest of justice this court not able to appreciate to reasons found in the petition granting interim bail.

7) From perusal of entire case records including confession statement, at this stage prima facie material is available to show that in the part the petitioner was prison along with co-accused persons and the concerned Sub Inspector of Police seized contraband totally weighing 213 kgs from them.

8) In the application, the petitioner has stated that confession statement was typed in the computer in the spot. Under what circumstances confession statement was prepared in laptop and how printout was taken can be decided at the end of the trial. In such circumstances, the said argument has no force at all.

9) Further, for granting bail in a case involving commercial quantity under NDPS Act, satisfaction in terms of section 37 of NDPS Act must be recorded. Here, the petitioner did not put forth any reasonable grounds for belief that she is not guilty of offence and she is not likely to commit the offence on bail.

10) Considering the above circumstances and in the interest of justice, this court is not inclined to grant interim 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.