



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twelfth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23506 of 2014

WEB COPY

RAJAMMAL

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE

NIBCID, MADURAI CRIME NO.214 OF 2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.RAMU Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 13.11.2014 for the alleged offences punishable under Sections 8(c) r/w 20(b) (ii) (C) of NDPS Act in Crime No.214 of 2014 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. Respondent Police have filed its counter in which they have stated as follows:

"2.I humbly submit that prosecution case is that on the basis of secret information on 13.11.2014 at about 10.00am, the Respondent of duty in front of the Madurai Railway Station (near entrance) at that time in the identification by the secret informer the respondent police caught the petitioner herein after enquiry came to know that she is Rajammal, W/o.Raju Thevar residing at Ellis Nagar, near Bodi Rail Road, Madurai District and further search, found the she possessed one white colour gunny bag contained 21kgs of Ganja its illegal market about Rs.2,10,000/- and after completed all the formalities the Respondent police seized the contraband and arrested the accused person and registered a case in Cr.No.214/2014 U/s.8(C) r/w20(b)(ii)(c) of NDPS Act and taken up for investigation.

3. I humbly submit that the Petitioner/Accused herein gave voluntary confession statement and the statement reveals that she is doing Ganja business frequently and she bought Ganja from Andhra Pradesh for selling in the local places.



4. I humbly submit that the Petitioner/Accused herein person remanded to the Learned Judicial Magistrate No.2, Madurai and the seized contraband also produced before the concerned authority in R.P.R.No.318/2014 dated 28.11.2014."

4. Mr.Ramu, learned counsel for the petitioner submitted that the petitioner is aged about 70 years and she is having multiple ailments and is under treatment and therefore sought bail on health ground. He also submitted her medical records. This Court directed the Police to file a report with regard to the health condition of the petitioner and produce the medical records from the Government Hospital. In compliance with the orders of this Court, respondent submitted a report and also produced the treatment record dated 05.02.2015.

5. On a perusal of the medical report, it is seen that BP and ECG have been checked. She appears to be a diabetic and she has been advised to take Daonil. Other medicines that are prescribed to her are for simple heart-burn that arises on account of gastric trouble and also light tranquillizers. The condition of the petitioner is not so serious for being released on bail overlooking the salutary provisions of Section 37 of NDPS Act.

6. Under such circumstances, since the investigation is pending and the Police need to collect further materials, this is not a fit case to grant bail to her. Hence, the Criminal Original Petition is dismissed.

sd/-
12/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE, NIBCID, MADURAI
- 2 THE OFFICER INCHARGE OFFICER, SUB JAIL FOR WOMAN, NILAKOTTAI DINDIGUL
- 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.23506 of 2014
Date : 12/02/2015

AA/17.02.2015/2p- 4c/