

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL ORIGINAL PETITION No.4147 of 2018

ANNAMAYIL,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
H8, TIRUVOTTIUR POLICE STATION,
CHENNAI - 600 019
(CR.NO.2158 OF 2017)

[RESPONDENT]

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MRS. THANKIRA, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This Criminal Original Petition has been filed, to release the petitioner on bail. The petitioner was arrested on 29.11.2017 in connection with Crime No.2158 of 2017 on the file of the respondent Police.

2. Heard Mr.R.Ganesh kumar, learned counsel appearing for the petitioner and Mrs.Thankira, learned Government Advocate (Criminal Side) appearing for the respondent Police.

3. The learned counsel for the petitioner submits that, according to the First Information Report (F.I.R.) filed, it is the case of the prosecution that the contraband has not been seized from the petitioner. He would further submit that according to the F.I.R., based on the statement given by the first accused Renuka Devi, the petitioner has been arrested.

3. According to the learned counsel for the petitioner, the petitioner neither was having any contraband nor involved in such trade, in particular, as alleged by the prosecution.

4. The learned counsel for the petitioner would submit that

as far as the petitioner is concerned, she is already affected with H.I.V. (Human Immuno Virus - AIDS) and after having referred to Stanley Medical College, the learned counsel stated that, the petitioner has to undergo treatment and has to undertake continuous treatment for the petitioner's well-being.

5. I have considered the submissions made by the learned Government Advocate (Criminal side) appearing for the respondent Police who states that, the contraband seized from the accused and other person are in commercial quantity and also stated that, the antecedents of the petitioner shall also be looked into. The learned Government Advocate would further submit that, investigation of the case is still going on and therefore, at this juncture if the petitioner is let out on bail, she shall tamper the evidences and shall not co-operate with the respondent Police for completing the investigation.

6. I have considered the rival submissions placed before this Court. As pointed out by the learned counsel for the petitioner, there is no direct averment in the F.I.R. that contraband was seized directly from the petitioner. Further, when the petitioner has been arrested on 29.11.2017, she is suffering by H.I.V., and the request of the learned counsel for the petitioner, that the petitioner requires medical care and attention is worthy to be considered.

7. Considering the facts and circumstances of the case involved, the following order is passed:-

- (i) that the petitioner shall be enlarged on bail, on condition that she shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) along with two sureties each for a like sum to the satisfaction of the Principal NDPS Special Judge, Chennai within a period of two weeks from the date of receipt of a copy of this order and;
- (ii) the petitioner shall report before the respondent Police, twice in a week at 10:30 a.m. until further orders.

With these directions and observations, the **Criminal Original Petitions shall stand ordered.**

-sd/-

14/02/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL NDPS
SPECIAL JUDGE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP. BY
INSPECTOR OF POLICE, H8, TIRUVOTTIUR POLICE
STATION, CHENNAI - 600 019

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of
necessary charges Sr.No.3192

CRL OP.4147/2018

Date :14/02/2018

MD: 14/02/2018