



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

Wednesday, the Fourth day of April Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.3631 of 2018

1 KAVITHA

2 SUDHA

3 ESWARI

... PETITIONERS / ACCUSED Nos.1 to 3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ELAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

(IN CR.NO.326/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.JEGADEESH PANDIAN Advocate

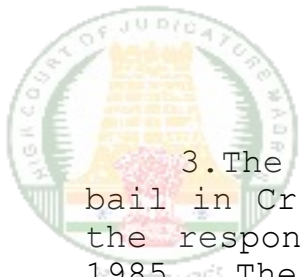
For Respondent : Mr.PRABHU RAMACHANDRAN
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 28.11.2017. The petitioners are three in number. They are women. It is alleged that the petitioners acting in concert snatched the gold chain of one Arockiyamary weighing around 8 $\frac{3}{4}$ sovereigns of gold when she was travelling in a bus on 27.11.2017. The said Arockiyamary alerted her relatives and was on look out for the petitioners herein. The petitioners were found on 28.11.2017 at about 10.00 a.m. in front of Sanarenthal Vilakku Bus Stop. The said Arockiyamary and her relatives caught hold of the petitioners herein and recovered the lost gold chain. In the process, they also found that a powder like substance in three packets was in the possession of the petitioners herein.

2.The said Arockiyamary and her relatives brought the petitioners herein to the respondent police station. Actually, crime No.324 of 2017 under Section 392 of IPC had been registered at the instance of the said Arockiyamary against three unknown women accused on 27.11.2017 at about 10.00 a.m., The petitioners herein had been granted bail in the said case.



3.The question is whether the petitioners should be granted bail in Crime No.326 of 2017 registered against them on the file of the respondent police under Sections 8(c) r/w 22(c) of NDPS Act, 1985. The seized drug powder was sent for chemical analysis and it has been classified as Alprazolam belonging to Benzodiazepine group of drugs and it is a Psychotropic substance covered under Narcotic Drugs and Psychotropic Substances Act, 1985. It is not in dispute that the contraband seized in this case is a commercial quantity. Therefore, the petitioners have to establish that they are not guilty of the offence in question.

4.The learned counsel appearing for the petitioners would point out that F.I.R was registered only at about 16.00 hrs on 28.11.2017. But, in the seizure mahazar prepared on 01.45 p.m., and 02.15 p.m., and Crime Number and offences are mentioned. This shows on the face of it, the prosecution has not come with clean hands.

5.This Court is of the view that on this ground one cannot come to the conclusion that the petitioners are not involved in the offence in question. As already pointed out, the police did not arrest the petitioners in the first instance. The petitioners were captured on suspicion and brought to the police station by the general public.

6.This Court is of the opinion that the petitioners could not have been falsely implicated. There is also no possibility of any planting of the contraband in this case. In any event, it is for the petitioners to establish their innocence during trial. The respondent police have also filed a counter affidavit pointing out that the petitioners have given false address. Thus there is every possibility that the petitioners may flee if they are let out on bail.

7.In these circumstances, this Court is not in a position to accept the petitioners' contentions. No case has been made out for grant of bail. This Criminal Original Petition stands dismissed.

sd/-
04/04/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
ELAYANKUDI, SIVAGANGAI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
ELAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE OFFICE INCHARGER,
SPECIAL PRISON FOR WOMEN, TRICHY

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER

IN

CRL OP(MD) No.3631 of 2018

Date :04/04/2018

SMA/PN/SAR-3/10.04.2018:3P/6C