

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7639 of 2020

Kaliyammal

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

NIB-CIB,

Chennai,

(in Crime No.79 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.79 of 2019 on the file of the respondent police.

For Petitioner : Mr.S.Mohamed Ansar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

The petitioner/A3 was arrested and remanded to judicial custody on 18.07.2019 for the offence punishable under Sections 8 (c) r/w 20(b)(ii)(C), 29(1) of NDPS Act, in Crime No.79 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.07.2019 at about 22.00 hours, the defacto complainant/Sub-Inspector of Police received secret information from the source. The respondent was keeping surveillance in Central Station, Chennai. Thereafter, on 18.07.2019, the petitioner along with two accused persons viz., 1. Jaya@ Jayanila/A1 wife of Chandran, 2.Sivakumar/A2 S/o.Mallash and this petitioner/A3/Kaliyammal, they were intercepted by the respondent police at 4.00 and they were enquired, at that time, the petitioner along with two accused persons were found in possession of Ganja. The respondent police found that A1 was carrying 40 kg and another 40 kg by A2 and the petitioner was carrying 21 kgs of Ganja. After observing and all the legal procedure and formalities, Mahazar prepared, contraband seized. Thereafter, the petitioner along with other accused were arrested. The contraband has been seized by the respondent police. Hence,

<https://theservices.courts.gov.in/heservices/>
the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. He would further submit that the petitioner did not possess any contraband and the petitioner was a co-passenger of other accused. He would further submit that other accused persons sought help of this petitioner to carry one of their bag from railway platform to outside the railway station and offered to give some money. The petitioner carried the bag without knowing the stuffs in the bag. He further submitted that there is no evidence against this petitioner to show this petitioner was coming along with other accused committed the offence. He further submit that the petitioner is aged about 60 years and she is sick person and suffering from chest pain and taking treatment in the prison hospital regularly. He further submit that the investigation has been completed, charge sheet filed in C.C.No.188 of 2019, due to lock down of COVID-19 case would not be proceeded. Further, he submits that the petitioner is in judicial custody from 18.07.2019 and hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 17.07.2019 at about 22.00 hours, the defacto complainant/Sub-Inspector of Police received secret information from the source. Thereafter, on 18.07.2019, the petitioner along with two accused were found in possession of Ganja. He would further submit that contraband of Ganja has been seized by the respondent police and the seizure is of huge commercial quantity. He would further submit that the accused committed the above offence and all the accused were arrested and contraband, seized, Mahazar prepared and legal formalities followed. The contraband was sent to the Forensic Lab and the report has been received on 28.08.2019, confirming the seized contraband as Ganja. The investigation is completed and the charge sheet filed in C.C.No.188 of 2019. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner involved in commercial quantity possession and transportation of contraband, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

26/05/2020

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 SPECIAL JUDGE,
FOR EC & NDPS ACT CASES, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
WOMEN SPECIAL PRISON, PUZHAL, CHENNAI.

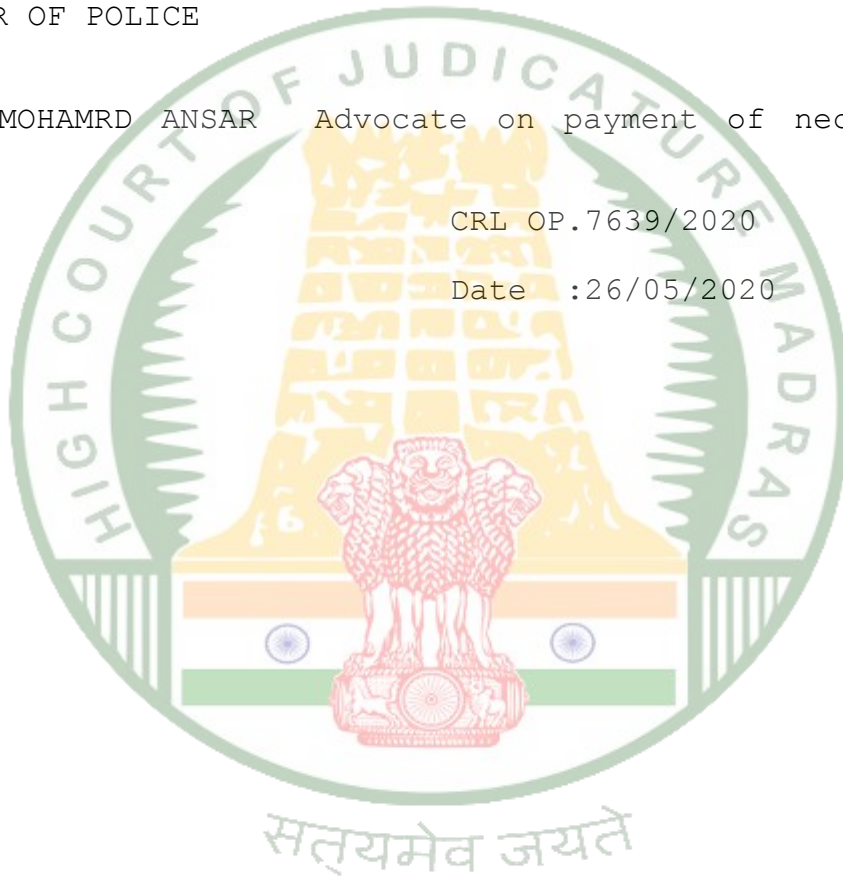
4 THE INSPECTOR OF POLICE
NIB-CID, CHENNAI

CC to S.MOHAMRD ANSAR Advocate on payment of necessary
charges

CRL OP.7639/2020

Date :26/05/2020

MK:13/08/2020



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