

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10559 of 2020

Usha

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Vaniyamabadi Taluk Police Station
Tirupathur District
(Cr.No.767 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.767 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.05.2020 for the offence punishable under Sections 8(c), 20(b)(ii)(c), 29(1), 353 of NDPS Act r/w Section 353, 332 and 307 of IPC in Crime No.767 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Ranjith, Sub Inspector of Police, Vaniyambadi Police Station is that they got information that the main accused one Mageshwari was involved in illegal possession and sale of Narcotics. The defacto complainant along with the police party and Village Administrative Officer and other officials had gone to the house of the first accused. She had come out side and on due search, she was found in possession of 2,200 kgs. Ganja. Thereafter, on her confession, the respondent police seized a sum of Rs.20,14,000/- cash and 19 kgs. Ganja from a gunny bag and when the Police party attempted to take the main accused to the Police Station, the petitioner along with one Sumithra, Chinnarasu and Loganathan came to the place of occurrence in two two wheelers and by raising their voice, threatened the police party and prevented them from discharging their duties. Later, the petitioner joined along with the other accused and by abusing the police with filthy language, assaulted them with iron rods resulting in, a woman Police Constable Surya (W.P.C.No.19240), sustaining fracture in the left arm. Thereafter, all the accused have escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case since, she happens to be the relative of the main accused. Other than that she has not committed any offence. She cannot be charged for the offence under the provisions of the NDPS Act. He would further submit that co-accused have been enlarged on bail by the lower Court. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) vehemently opposed stating that that it is a case involving seizure of commercial quantity of Narcotic Drugs (Ganja). He would submit that an amount of Rs.20,14,000/- in cash and 22 kgs. of Ganja were recovered from the scene of occurrence. When the police party after compliance of formalities, were taking the first accused to the police station, the petitioner who came to the scene of occurrence along with other accused, waylaid the police party by raising voice, prevented them from discharging their official duties and brutally assaulted them with iron rods resulting in, one of the woman police constable, sustaining fracture on her left hand. He would further submit that the main accused has got 30 previous cases. In respect of other accused, bail was granted since, one of the accused was in her advanced stage of pregnancy and the other accused stated to be studying in CBSE School and that the case of the petitioner cannot be equated with the case of the other accused who have been granted bail by the lower Court. He would further submit that investigation is at the initial stage.

5.Taking into consideration of the facts and circumstances of the case and that commercial quantity of contraband has been seized and the fact that the petitioner along with other accused has prevented the police party from discharging their official duties and also assaulted them resulting in, one of the Police Constable sustaining fracture, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

16/07/2020

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 JUDICIAL MAGISTRATE,
VANIYAMBADI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VANIYAMBADI TALUK POLICE STATION,
TIRUPATHUR DISTRICT

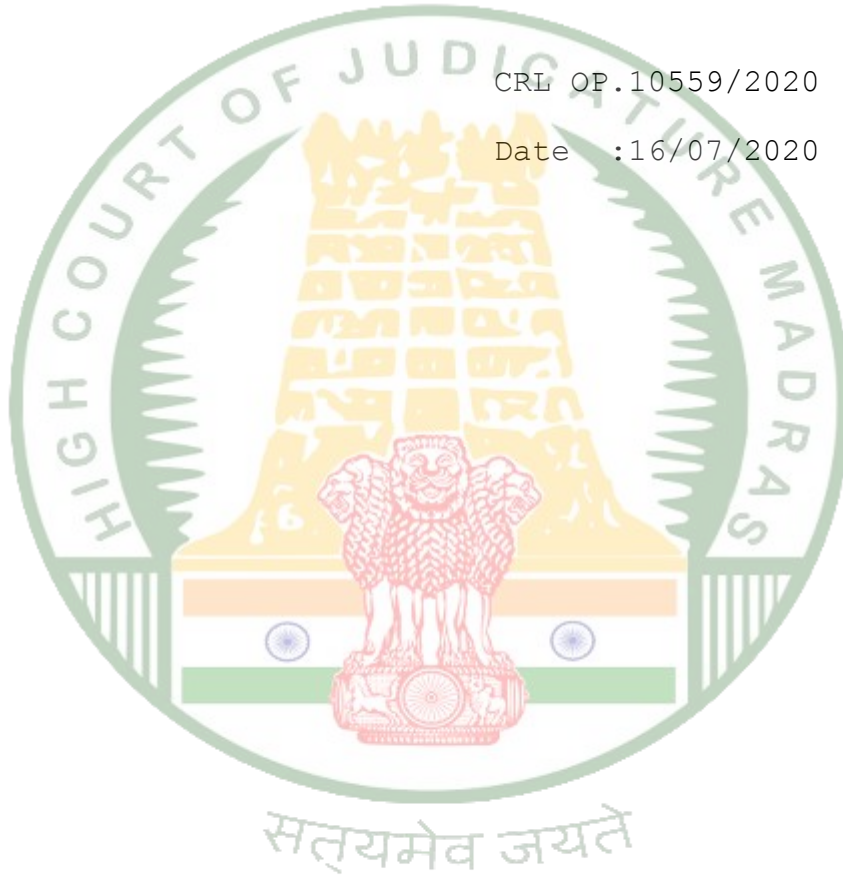
4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE

CC to M/S. E.SATHIYARAJ Advocate on payment of necessary charges

CRL OP.10559/2020

Date :16/07/2020

RVR 03/09/2020



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