

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

CORAM:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.19661 of 2020

Putri @ Karupathal @ Karupayi

... Petitioner/Accused No.3

Vs.

State rep. By

The Sub Inspector of Police,
Bangalapudur Police Station,
Bangalapudur, Erode District.
Crime No.770 of 2020

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of her arrest in connection with the Crime No.770 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.P.Sathyamoorthy

For Respondent : Ms.T.P.Savitha
Government Advocate

O R D E R

(The case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 8(b) r/w 20(a)(i) and 29 (1) of NDPS Act, 1985 in Crime No. 770 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate.

3.The petition for anticipatory bail is filed by A3 for the second time, since her petition was not considered favourably in the earlier occasion on 22.10.2020.

3.The case of the prosecution is that, on 12.10.2020, on information they went near Perumpallam dam and spotted A1 and A2 carrying bag which later found to be Ganja weighing 1 ¼ kg. Cash of

Rs.2,56,150/- was also seized from them. Based on the confession statement of these accused, the prosecution has come to know that the petitioner herein is the person who supplied Ganja seeds for plantation and given a sum of Rs.3,00,000/- to the accused A1 and A2 to cultivate Ganja and give back to her. Hence, she has been arrayed as third accused.

4.The learned Government Advocate would submit that the petitioner herein is a professional drug peddler and supplier of ganja seeds to others. The petitioner has a bad antecedent, history sheeter and there are seven previous cases of similar nature under NDPS Act, out of which, four are still pending.

5.Based on the submission of the learned Government Advocate, the earlier anticipatory bail petition was dismissed. After two months the present anticipatory bail petition is revived.

6.According to the petitioner, she is an innocent person and she has nothing to do with the crime, being 65 years old lady suffering from ailment, carrying on her livelihood as an agricultural coolie. Due to false implication by A1 and A2, she apprehends arrest.

7.When the matter came up for consideration on 16.12.2020, this Court directed the learned Government Advocate to furnish the details of the cases pending against her and to verify whether the petitioner is attending the trial in the pending cases.

8.The learned Government Advocate submits that four cases are pending against the petitioner herein under NDPS Act and the trial is yet to commence, since the chemical analysis report is awaited. The details of the four cases as below:

Crime No.	Date of arrest	Quantity of Ganja
92 of 2019	10.03.2019	150 gms
257 of 2019	18.07.2019	150 gms
326 of 2019	25.09.2019	150 gms
426 of 2020	15.05.2020	150 gms

9.The learned counsel for the petitioner submits that the petitioner is regularly attending the Court for those cases for possessing 150 gms of Ganja, which falls under the category of small quantity.

10.This Court is of the view that the in between quantity of ganja was recovered from A1 and A2. This petitioner/the accused was not present in the scene of occurrence when the contraband and money were seized. It is alleged that the petitioner/accused is a

professional peddler. The earlier four cases pending against her indicates that she is a small time ganja peddler and four cases in the one year period has been slapped.

11. Considering the liberty of the petitioner as well as the protection of the general public, anticipatory bail is granted to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days, before the learned Judicial Magistrate No.1, Erode, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each, for a like sum to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., for 30 days and thereafter as and when required.

[d] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On failure to comply the condition or breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.With the above directions, this Criminal Original Petition is ordered.

-sd/-
21/12/2020

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 NO.I,
GOBICHETTIPALAYAM, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
BANGALAPUDUR POLICE STATION, BANGALAPUDUR,
ERODE DISTRICT.

CC to M/S.A.P.SATHYAMOORTHY Advocate on payment of necessary charges

CRL OP.19661/2020

Date:21/12/2020

GKS:07/01/2021

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