



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

Wednesday, the Twenty Second day of April Two Thousand Twenty

PRESENT

The Hon'ble Mr. Justice P.VELMURUGAN

CRL OP(MD) No.5266 of 2020

RANI

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.No.286 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.A.Kesavan, Advocate
For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

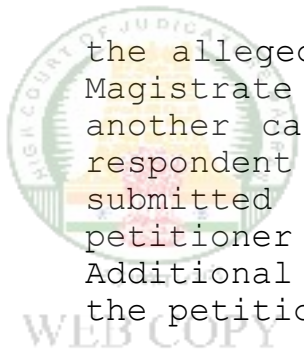
ORDER : The Court Made the following order :-

The petitioner is arrayed as the second accused/A2, who was arrested and remanded to judicial custody on 13.02.2020 for the alleged offences punishable under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985 in Crime No.286 of 2018, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on receipt of secret information, the respondent police seized 20 kilo and 200 grams Ganja.

3.The learned counsel appearing for the petitioner submitted that the petitioner is falsely implicated in this case as second accused and she has not committed any offence as alleged by the prosecution. When the respondent police went to the occurrence spot, this petitioner and A3 escaped from the scene of occurrence and A1 was arrested by the respondent police and based on the information given by A1, the respondent police seized the contraband. He further submitted that though the case was registered in the year 2018, the contraband is yet to be produced before the Special Court and the alleged contraband was recovered only from A1. He further submitted that A1 and A3 were already released on bail and the petitioner is being a lady and she has been in judicial custody for the past 70 days and therefore, bail may be granted to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State submitted that though on 27.09.2018 A1 was arrested and seized



the alleged contraband, the said contraband was produced before the Magistrate Court and subsequently, this petitioner was involved in another case in Crime No.67 of 2020 and she was arrested by the respondent police and subsequently, released on bail. He further submitted that the petitioner is a habitual offender and the petitioner has five previous cases. Therefore, the learned Additional Public Prosecutor strongly opposed for granting bail to the petitioner.

5. I have heard both sides and perused the records.

6. Even though the case has been registered in Crime No.286 of 2018 against the petitioner and two others for offences under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985 and on 27.09.2018 A1 was arrested and the alleged contraband was recovered and the same was produced before the Magistrate Court, there was a delay for producing the contraband from the Magistrate Court to Special Court. A1 and A3 were arrested and subsequently released on bail. Since the present petitioner was arrested in another case in Crime No.67 of 2020, on 30.01.2020, she was arrested in the present case also. The petitioner is a habitual offender and she has five previous cases.

7. Considering the submission of the learned Additional Public Prosecutor and also considering the bad antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this petition is dismissed.

sd/-
22/04/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: This order copy may be
treated as true copy

To

1. The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
3. The Officer in-charge,
Women Sub Jail, Thiruvavur.

ORDER IN
CRL OP(MD) No.5266 of 2020
Date :22/04/2020