

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.1615 of 2021

Suma

... Petitioner

Vs.

The State rep.by,

The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri

Crime No.1006 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.1006 of 2020 on the file of the respondent police.

For Petitioner : Mr. M. Manimaran

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
8(C), r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances
Act, in Crime No.1006 of 2020, on the file of the respondent police,
seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant
Jayakeerthi, Sub Inspector of Police is that on 13.07.2020, on
information she along with her police party was conducting vehicle
check up. At that time, a lady had come in a two wheeler Honda Dio
bearing Regn.No.TN 70 S 3832 with a yellow colour bag. When the
police party had attempted to apprehend her, she had dropped the two
wheeler along with the bag and escaped from the scene of occurrence.
On search, the bag was found to contain 3.500 kgs. of Ganga following
which, the contraband and two wheeler were seized from the spot.
Hence, the complaint.

3. The learned Counsel for the petitioner would submit that this
is the 3rd application for anticipatory bail and the earlier
applications for anticipatory bail were dismissed by this Court in
CrI.O.P.No.16607 of 2020 dated 16.10.2020 and CrI.O.P.No.18021 of
2020 dated 11.11.2020. He would submit that the earlier application
was dismissed on the ground that the petitioner had been convicted

in the earlier case. However, the fact remains that the case is still pending and she has not been convicted. He would further submit that the two wheeler alleged to have been recovered from the scene of occurrence does not belong to the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender. He would submit that though the learned Counsel for the petitioner submits that the petitioner has not been convicted for in the earlier case, the fact remains is that, she had pleaded guilty in the earlier case and she has been convicted. He would submit that though the Scooter does not belong to the petitioner, the petitioner is the one who was riding the two wheeler and that she has been brought to the adverse notice for having habitually involved in the offences. He would submit that subsequent to the earlier dismissal, there is no change in circumstances. Hence, he vehemently opposed for grant of Anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the contraband involved in this case is 3.500 kgs. and the submission so made by the Additional Public Prosecutor that the petitioner is a habitual offender and there is no change in circumstances after the dismissal of the earlier applications, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

08/02/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

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

CRL OP.1615/2021

Date :08/02/2021

RVR 18/02/2021

<https://hcservices.ecourts.gov.in/hcservices/>