

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.5231 of 2021

S.Jayanthi

... Petitioner

Vs.

State rep by
The Inspector of Police,
T-11, Thiruninraur Police Station
Chennai - 602024
(Crime No.682 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 arrest in Crime. No.682 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Gandhi

For Respondent : Mr.T.Shunmuga Rajeshwaran
Government Advocate (CrI.Sdie)

ORDER

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.682 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 05.10.2020 at about 10.00 a.m. while the respondent police was on patrol duty, A1 was illegally found in illegal possession of 1 Kg of ganja. On enquiry, he informed that he had purchased the ganja along with the petitioner. Further, on his confession, 15 kgs. of ganja were recovered from the house of the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case based on the confession of the arrested accused/A1. He would submit this is the third application for anticipatory bail and the earlier applications filed by the petitioner were dismissed on 20.11.2020 in CrI.O.P.No.18351 of 2020 and on 07.01.2021 in CrI.O.P.No.1 of 2021. He would further submit that the investigation is almost completed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the A1 was arrested on 05.10.2020 and he was found to be in illegal possession of 1 kg of ganja and during the course of enquiry, he informed that he had purchased the ganja along with the petitioner and based on his confession, a search was conducted and 15 kgs. of ganja was recovered from the house of the petitioner and the petitioner had absconded from the scene of occurrence. He would submit that the earlier application filed by the petitioner was dismissed on 07.01.2021 and that there is no change in circumstances after the dismissal of the earlier application. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that 15 kgs. of ganja has been recovered from the house of the petitioner and there is no change in circumstances after the dismissal of the earlier application, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

24/03/2021

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 JUDICIAL MAGISTRATE-II,
TIRUVALLUR, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-11 THIRUNINRAUR POLICE STATION,
CHENNAI-602024.

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

CRL OP.5231/2021

Date :24/03/2021