



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

Date : 18/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.573 of 2021

WEB COPY

Amutha

... Petitioner/Accused No. 5

Vs

State rep by
The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
Crime No.2137 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Mahendrapathy.S.,
Advocate.

For Respondent : Mr.M.Chandrasekaran
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2137 of 2020 on the file of the Respondent Police.

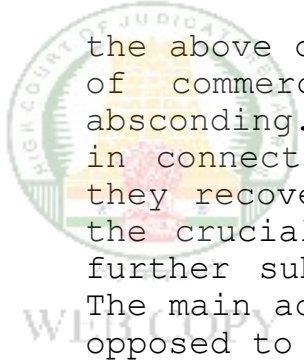
ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 22.09.2020 for the offences punishable under Sections 8 (c) r/w.20(b)(ii)(c) of NDPS Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of 80 kg of ganja. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would submit that the recovery has been made from the house of the petitioner. From the confession of the co-accused it is seen that the other accused had used the newly constructed house of the petitioner without her knowledge. He would further submit that there is violation of statutory provision and the petitioner is in jail for more than 120 days, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that A4, A5, A6 and A7 were found in the spot and found in possession of 80 kgs ganja in two bags containing 40 kgs each. The petitioner along with other accused had joined together in the commission of



the above offence and the seized contraband falls under the category of commercial quantity. Further in this case A1 is still absconding. A2 was arrested on 16.02.2021 by the Vedsanthur Police in connection with Crime number 91 of 2021 and during his arrest they recovered Rs.11 lakhs and 11 kg of ganja. Investigation is at the crucial stage. A3 in this case was arrested on 10.02.2021. He further submitted that A4 and A6 have been detained under Act.14. The main accused in this case is still absconding, hence he strongly opposed to grant bail to the petitioner.

5. It is seen that A7 is the wife of A6, A5 is the close relative of other accused. A1 is the habitual offender. Main accused is still absconding. Contraband seized falls under the category of commercial quantity, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
18.02.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
2. The Superintendent, Central Prison,
Special cell for Women, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.573 of 2021

Date : 18/02/2021