



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD).No.18026 of 2021

Kala

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.270 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Murugesan.M, Advocate.
For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

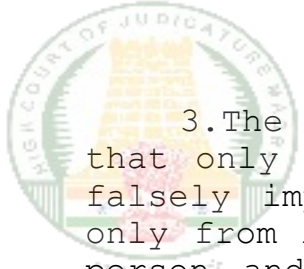
PRAYER :-

For Anticipatory Bail in Crime No.270 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) and Section 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.270 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.11.2021, at about 23.45 hours, the defacto complainant along with police officials were in usual check-up at Elumalai to Usilampatti Main Road Near Rengasampatti Vilakku. At that time, two persons came there in a share auto bearing Reg.No.TN-59-AT-6355. On seeing the police party, the driver/A2 has stopped said auto in a short distance and one woman got out of the said auto and ran away from the scene of occurrence. The respondent police enquired the said auto driver/A2 and also they found and recovered 1½ kilograms of Ganja in a yellow bag from him and thereafter, recorded the confession of A2. The respondent police also seized the said share auto and Rs.78,400/- from the said person. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that only based on the confession of A2, this petitioner has been falsely implicated in this case and the contraband was recovered only from A2. He further submitted that the petitioner is innocent person and she has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side), on instructions, submitted that this petitioner is the seller of Ganja and she has been utilizing the auto of the second accused for that purpose. While, the respondent police intercepted and recovered the auto and contraband, she ran away from that place. He further submitted that the second accused has already been arrested and remanded to judicial custody and the petitioner is also having four previous cases similar in nature under NDPS Act and investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the seriousness and gravity of the charges levelled against the petitioner and the quantum of the contraband seized and also the fact that the petitioner is having four previous cases for similar offences and that the investigation is still pending, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the Criminal Original Petition stands dismissed.

Sd/-

18/11/2021

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/ /2021

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

vsd

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,
Elumalai Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.18026 of 2021

Date :18/11/2021