



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 22/12/2021

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PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.20218 of 2021

Saranya : Petitioner/5th Accused

Vs.

State Rep.by
The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
(Crime No.288 of 2021)

: Respondent/Complainant

For Petitioner : Mr.S.Selvakumar, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.288 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A5 was arrested on 27/09/2021 and remanded to judicial custody for the alleged offences punishable under section 8(c), 20(b)(ii)(C) and Section 29(1) of NDPS Act, in Crime No.288 of 2021 on the file of the respondent police, seeks bail.

2.As per the prosecution case, on 28/08/2021 at about 9.00 hours, when the police team on a tip off, went to the place of occurrence, they saw the accused persons and on nabbing in the place of occurrence and on investigation, they were found in possession of 23 kgs of ganja jointly and the contraband has been seized in the mahazar and further proceedings have been undertaken as per law. This petitioner was arrested in the place of occurrence itself and ever-since, she is in judicial custody.

3.The objection that has been filed by the respondent police is that the petitioner is involved in more than 5 cases of similar nature and the quantity of the above said cases is a commercial one



and the petitioner is not entitled for bail, since twin conditions mentioned in 37 of NDPS Act has not been complied.

4.By reply, the learned counsel appearing for the petitioner would submit that only based on the confession statement of A4, this petitioner has been implicated in this case. Only from A1 alone, the contraband has been seized. Even as per the contents of FIR, even though, the contraband has been seized on 28/08/2021, so far it was not produced before the concerned court.

5.Now the entire CD file called for and perused. As stated above, the 4th accused namely High Court Raja was arrested in the place of occurrence and at his instance, the contraband has been seized. In the confession statement, A4-the High Court Raja has stated that all the accused persons joined together and purchased the contraband from a known person in Madurai weighting 50 kgs and all the accused persons shared the same for the purpose of selling.

6.With regard to the contention that the contraband has not been remanded before the concerned court, perusal of CD file shows that it has been remanded in RPR No.626 of 2021, on 24.09.2021 and the contraband has been seized from the other accused namely A2-Shanmuga Sundaram @ Sundar, it was remanded on the same day in RPR No.626 of 2021. In so far this petitioner is concerned, she was arrested on 27/09/2021. On the date of itself, A1 was arrested and this case was originally registered by V.K.Puram police station official and this petitioner has been formally arrested, when she was in custody in Crime No.507 of 2020. So in the CD file, it has been mentioned that on 24/09/2021, the contraband that was seized from the accused person has been remanded before the Court, Madurai in PRP in 626 of 2021. So the contention on the part of the petitioner that no contraband has been seized from the petitioner and produced before the concerned court is not correct.

7.As mentioned above, after purchase of the contraband in bulk, all the accused persons shared the same for the purpose of selling and in that process, only the petitioner has been arrested by V.K.Puram Police in respect of Crime No.507 of 2021.

8.Considering the fact that the petitioner is continuously involved in such sort of illegal act and the twin conditions mentioned in Section 37 of the NDPS has not at all satisfied and expect stating that all the cases are false cases, no valid ground has been put forth by the petitioner and if the petitioner is released on bail, then there is every possibility of involving in same sort of activities in future also.

9.Even though the petitioner is in custody from 06/09/2021 in this case, I am of the considered view that for the reasons stated above, this court is not inclined to grant bail to the petitioner and this petition is liable to be dismissed.



10. In fine, this criminal original petition is **dismissed**.

sd/-

22/12/2021

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

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
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.20218 of 2021

Date : 22/12/2021

RS/VR/SAR.3(06.01.2022) 3P-4C