



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10711 of 2022

G.RAJALAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
R-2, KODAMBAKKAM POLICE STATION,
(CRIME NO.81/2022)

[RESPONDENT]

For Petitioner : M/S X.SELVAM SOUNDER Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

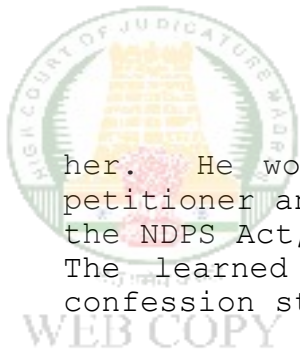
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 17.03.2022 for the alleged offence punishable under Sections 8(c), 22(a), 22(c), 29(1) of NDPS Act and Sections 465, 468 and 472 of IPC in Crime No.81 of 2022 on the file of the respondent/police, seeks bail.

2. The case of the prosecution is that on 17.03.2022 at about 10.00 a.m when one of the accused was selling banned drugs at Kodambakkam Trustpuram playground, the respondent/police arrested the accused and recovered 250 banned drug pills. Based on the information from that accused, the petitioner/A1 and other accused were arrested. Hence, the complaint.

3. The learned counsel for the petitioner would submit that totally six accused are involved in the alleged offence, wherein the petitioner has been arrayed as A1. The petitioner is no way connected with the alleged offence and a false case has been foisted against



her. He would further submit that nothing was recovered from the petitioner and the alleged contraband is not a drug, which falls under the NDPS Act, therefore, the case under NDPS Act may not be attracted. The learned counsel would further submit that only based on the confession statement given by A6, the petitioner was arrested.

4. When the matter was taken up for hearing on 05.05.2022, the learned Additional Public Prosecutor sought time to file counter affidavit.

5. Today, when the matter is listed, the respondent has filed the counter affidavit, wherein it is stated that on 17.03.2022 at about 9.00 hours, the respondent police received a secret information about the selling of contraband. The respondent police went to that place and arrested two accused (A5 and A6). During the enquiry, it came to light that totally six accused are involved in this case and the petitioner is the prime accused. Based on the confession statement of A5 and A6, the petitioner/A1 was arrested and remanded to judicial custody on 17.03.2022. It is further stated that the recovered contraband falls under the Schedule I of NDPS Act, which is a commercial quantity. At this stage, if the petitioner is released on bail, she will abscond and it is very difficult to proceed with the investigation and hence, she objects to grant bail to the petitioner.

6. Heard both sides and perused the records.

7. Admittedly, the case was registered against the petitioner by the respondent police for the offences punishable under Sections 8(c), 22(a), 22(c), 29(1) of NDPS Act and Sections 465, 468 and 472 of IPC. The learned counsel for the petitioner submitted that no contraband has been recovered from the petitioner. However, whether the recovered drugs would fall under the Schedule I of NDPS Act or not can be decided only after receiving the Chemical Analysis Report.

8. Considering the facts and circumstances of the case and also considering the serious nature of the offence, at this stage, if the petitioner is released on bail, she will tamper the witnesses or abscond. Therefore, the respondent police will not be able to find out from where the contraband was procured by the petitioner and other accused. Hence, this Court is not inclined to grant bail to the petitioner.



Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

-sd/-

06/05/2022

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 SUPERINTENDENT,
CENTRAL JAIL, PUZHAI,
CHENNAI.

2 THE INSPECTOR OF POLICE,
R-2, KODAMBAKKAM POLICE STATION,
T.NAGAR, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S X.SELVAM SOUNDER Advocate on payment of necessary
charges

CRL OP.10711/2022

Date :06/05/2022

RW 13/05/2022