



WEB COPY



Crl.O.P.No. 2445 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.02.2024

PRONOUNCED ON : 11.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No. 2445 of 2024

Rajakumari @ Kumari

... Petitioner/
Accused No.2

Vs.

State Rep. by
The Inspector of Police
PEW-Anna Nagar Unit
Chennai – 600 040.

... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the second accused/ petitioner on bail in Crime No. 709 of
2023 on the file of the respondent police.

For Petitioner : Mr.Velmurugan
for Mr.RN. Kasi Vishwanathan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.No. 2445 of 2024

ORDER

The petitioner/second accused in Crime No. 709 of 2023 registered by the respondent police under Section 8(c) read with 20(b)(ii)(c), 29(1) of the Narcotic Drugs and Psychotropic Substances Act 1985, who was remanded to custody on 14.10.2023 seeks bail.

2. It is stated that the petitioner/A-2 was a help of the first accused, who was found in possession of Ganja, weighing 22.40 kgs which is commercial quantity.

3. The learned counsel for the petitioner stated that there has been no recovery from the petitioner herein. The petitioner was only helping the first accused from whom there was recovery. It is stated that the petitioner is a widow and has two children. She was going from Cuddalore to Chennai to visit Vadapalani Murugan Temple and was accompanied by the first accused, who was a co-passenger. The first accused had asked the petitioner to wait for an auto near a bus terminus and at that time, they were intercepted by the respondent. On search, the respondent recovered 22.20 kgs of Ganja from the possession of the first accused. The petitioner was standing just near to the



CrI.O.P.No. 2445 of 2024

first accused. It is contended by the learned counsel for the petitioner that the petitioner is innocent and did not know about the possession of Ganja by the first accused.

4. It is however the contention of the respondent that 22.200 kgs of ganja had been recovered from both the accused Nos. 1 and 2. It is stated that the quantity is commercial in nature. It is also stated that there is yet one more accused / A-3 who is absconding. It is also contended that as against this petitioner, there were two earlier cases in Cr.No. 37 of 2021 and Cr.No. 1010 of 2015 both registered under Section NDPS Act. It is therefore contended that the petition should be dismissed.

5. I have carefully considered the arguments advanced.

6. The contention of the learned counsel for the petitioner is that the petitioner was a stranger to the first accused. She had travelled from Cuddalore to Chennai to visit Vadapalani Murugan Temple and the first accuse was a co-passenger and they had both got down from the bus and at that time, since they were standing together, the respondent had intercepted



CrI.O.P.No. 2445 of 2024

both of them. It is seen that from the possession of the first accused 22.200 kgs of ganja had been seized. That is commercial quantity. It is however seen that the petitioner cannot claim to be entirely innocent since there are two earlier cases both under the provisions under NDPS Act registered against her.

7. The learned counsel for the petitioner pointed out that in one of them, she had been acquitted and also had forwarded the order copy dated 29.04.2022 in C.C.No. 115 of 2021 relating to First Information Report in Cr.No. 108 of 2021 and FIR in Cr.No. 37 of 2021.

8. It is seen that the acquittal was owing to various discrepancies in the case of the prosecution. But at any rate, it is seen that there is yet another First Information Report in Cr.No. 1010 of 2015 which had been registered against the petitioner herein.

9. No contentions have been raised relating to violation of any specific provision of the NDPS Act.



Crl.O.P.No. 2445 of 2024

WEB COPY

10. Taking all the factors into consideration, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

11.03.2024

vsg

Index:Yes/No

Neutral Citation:Yes/No

Speaking order : Yes/No

To

- 1.The Inspector of Police
PEW-Anna Nagar Unit
Chennai – 600 040.
2. The Central Prison, Puzhal.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No. 2445 of 2024

C.V.KARTHIKEYAN, J.

vsg

Pre Delivery Order made in

Crl.O.P.No. 2445 of 2024

11.03.2024