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CrI.OP.No.12334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

CrI.OP.No.12334 of 2024

Velazahgi

..Petitioner/A2

Vs.

State rep.by,
The Inspector of Police,
H-6 R.K.Nagar Police Station,
Chennai – 600 012.
(Crime No.410 of 2024)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.410 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.Dr.G.Krishnamurthy

For Respondent : Mr.R.Vinothraja,
Government Advocate (CrI.Side)



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ORDER

The petitioner was arrested and remanded to judicial custody on 08.05.2024 for the offences punishable under **Section 8(c) r/w 20(b) (ii) (A) of NDPS Act and Section 77 of JJ Act and Section 294(b), 353, 506(1) of IPC in Crime No.410 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner was found in possession of 60 grams of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been suffering incarceration from 08.05.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner was found in possession of 60 grams of Ganja and there are 53 previous cases as against the petitioner.



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5. Although the petitioner is involved in atleast 53 cases, most of which involved the offences under the provisions of the NDPS Act, 1985. It remains that, in many of the cases, the petitioner has been acquitted. That apart, the petitioner has an habit of being involved in the offence under NDPS Act, yet the prosecution has not been able to convict her and many of the cases are pending against her. The petitioner is aged about 67 years and there are no direct evidence to show that the petitioner was in possession of 60 grams of Ganja. The petitioner has been arrested on the strength of the statement of A1, who claims to have purchased 60 grams of Ganja from the petitioner.

6. Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions. However, the respondent is directed to co-operate with the counter parts wherever the petitioner is involved in similar crimes and complete the trial as expeditiously as possible, so that the petitioner is not found indulging in any such crimes in future.



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7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, Chennai and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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C.SARAVANAN, J.

smv

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