



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fifteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12221 of 2017

WEB COPY

KARTHIKEYAN

... PETITIONER/ACCUSED No.2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY,
(IN CRIME NO.867/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.MOHAMED YUSUF Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A2 was arrested and remanded to judicial custody on 03.08.2017 for the offences punishable under Sections 8(c), 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1983 and Section 25(1A) of Arms Act, 1959 in Crime No.867 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the search of the house of the petitioner, the petitioner was found in possession of 15 gms of Ganja and one Revolver in the vehicle belonging to the A1 in this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case with an ulterior motive. He would further state that the petitioner was also granted bail in CrI.M.P.No.4566 of 2017 by the Sessions Court in Crime No. 1576 of 2017 on the file of the Sellur Police Station on 23.08.2017.

4.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally 2 named accused in this case and the petitioner herein is arrayed as A2. He would further state that the petitioner was arrested in Crime No. 1576 of 2017 on the file of the Sellur Police Station on 25.06.2017 and he was formally arrested in this case on 03.08.2017 and the property was recovered. He would further state that the petitioner is having two previous cases for the offence under Section 302 of IPC, but not in the similar type of offence and the investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the fact that the seized Ganja in this case is small quantity, which was recovered from A1 and that the petitioner is not having any previous case in the similar type of offences, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute 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 Judicial Magistrate No.V, Madurai.

(ii) the petitioner shall appear before the learned Judicial Magistrate No.V, Madurai. daily at 10.30 am until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-

15/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO V, MADURAI
2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
3 THE INSPECTOR OF POLICE, S.S.COLONY POLICE STATION, MADURAI CITY
4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.A.MOHAMED YUSUF Advocate SR.No.30834

ORDER

IN

CRL OP(MD) No.12221 of 2017

Date :15/09/2017

PK/PM-PN/SAR-3/18.09.2017 : 2P/7C