



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.7256 of 2017

ANBUSELVAN @ KUSHPPU ANBU

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VELIPPALAYAM POLICE STATION,
CRIME NO. 14 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ILAYARAJA 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 :-

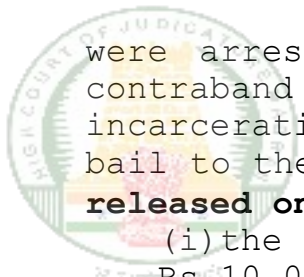
The petitioner, who is arrayed as A4 in Crime No.14 of 2017 on the file of the respondent police, was arrested and remanded to judicial custody on 24.05.2017 for the alleged offences punishable under Sections 8(c) r/w. 22(C) of Narcotics Drug and Psychotropic Substance Act, and hence, seeks bail.

2.The case of the prosecution is that the accused were found in possession of 350 gms of Diazepam Powder, which is below the commercial quantity.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has no previous case. He would further submit that the petitioner was nothing to do with the alleged offence and this false case was lodged only with an ulterior motive.

4.The learned Additional Public Prosecutor submitted that there are totally five accused in this case and except the petitioner herein, who is arrayed as A4 in this case, all other accused were arrested and released on bail by this Court. He further submitted that A5 herein is the employee of A1 in this case and the petitioner is having three previous cases and the contraband was recovered from A1.

5.Considering the facts and circumstances of the case and also considering the fact that except the petitioner herein, all accused



were arrested and released on bail by this Court and the seized contraband is below commercial quantity and the period of incarceration of the petitioner, 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.II, Nagapattinam.

(ii) the petitioner is directed to appear before the Judicial Magistrate No.II, Nagapattinam daily at 10.30 a.m. 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/-

07/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGAPATTINAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, NAGAPATTINAM DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 4 THE INSPECTOR OF POLICE,
VELIPPALAYAM POLICE STATION.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ILAYARAJA Advocate SR.No.26077

ORDER

IN

CRL OP(MD) No.7256 of 2017

Date :07/07/2017