



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8791 of 2019

Karthikeyan,

... Petitioner/Accused No.A2

Vs

State rep.by

The Inspector of Police,

NIBCID Tuticorin Police Station,

Thoothukudi District.

Crime No.34 of 2018.

... Respondent/Complainant

For Petitioner : M/s.S.Muthumalairaja,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

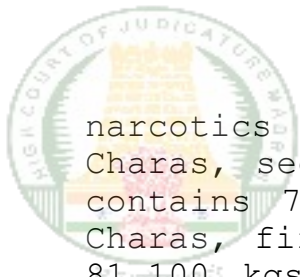
PRAYER :-

For bail petition in cr.no.34 of 2018 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 (c), 21 (c), 29 (1) Narcotic Drugs & Psychotropic Substances Act, 1985, Crime No.34 of 2018, seeks bail.

2. The case of the prosecution is that on 02.08.2018, on the basis of secret information, that one Cabril Wilson was keeping Norcotic stuff in his shipping company namely Nisi Impex, the respondent police informed the same to the higher officials and then the respondent police along with the Village Administrative Officer, Meelavittan Panchayat and the Village Assistant went to the spot for inspection. On inspection the respondent police found one person and on enquiry they came to know that he is one Karthikeyan and the respondent police enquired him about the owner namely Cabrial Wilson and he stated that he went out and therefore the respondent police searched the shipping company and found seven gunny bags of



narcotics substances namely Charas. First bag contains 60 Kgs of Charas, second bag contains 76.750 kg of Charas and the third bag contains 77.150 kgs of Charas, fourth bag contains 71.600 kgs of Charas, fifth bag contains 71.850 kgs of Charas, sixth bag contains 81.100 kgs of Charas, seventh bag contains 27.950 kgs of Charas totally 466.400 kgs of Charas. Thereafter the respondent police registered a case and also seized the contrabands.

3.The learned counsel appearing for the petitioner has submitted that this is the third application. The first petition in Crl.OP(MD.No.17091 of 2018 was dismissed by this Court on 03.01.2019 and the second petition in Crl.OP(MD)No.4829 was dismissed on 01.04.2019 with a direction to the trial Court to dispose the case within a period of three months from the date of receipt of a copy of the said order. He further submitted that despite the said order no progress is made in the trial Court. Hence, he prayed bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that P.W.1 was examined in chief and on that date, the petitioner herein has not cross examined the said witness and at his request, the case has been adjourned to 06.07.2019 for cross examination, and therefore, he strongly opposed this petition.

5.Taking into consideration of all the aforesaid facts and also the fact that already P.W.1 was examined and the case has been posted for cross examination and no change of circumstances has been pointed out by the petitioner, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this petition is dismissed.

sd/-
02/07/2019

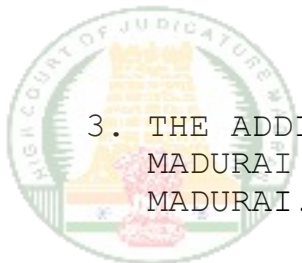
/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE,
NIBCID TUTICORIN POLICE STATION,
THOOTHUKUDI DISTRICT.

2.THE SUPERINTENDENT,
CENTRAL PRISION,
PALAYANKOTI, TIRUNELVELI DISTRICT.



3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.S.MUTHUMALAI RAJA, Advocate (SR-10950[I] dated
03/07/2019)

WEB COPY

ORDER

IN

CRL OP(MD) No.8791 of 2019

Date :02/07/2019

dss

AE/VR/SAR-II (10.07.2019) 3P 5C