



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.1200 of 2022

WEB COPY

K.Ramasamy

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
NIBCID, Police Station,
Dindigul District.
Cr.No.36 of 2021.

... Respondent/Complainant

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

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.36 of 2021 on the file of the Respondent police.

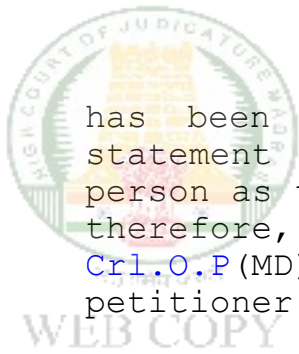
ORDER : The Court made the following order :-

The petitioner, who was arrested on 26.05.2021 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(c) of NDPS Act @ 8(c) r/w. 20(b)(ii)(c), 25, 29(1) of NDPS Act, moved this third bail application on the ground that the co-assued namely Karthik @ Karthikeyan was released on bail by this Court in [Crl.O.P\(MD\). No.1334 of 2021](#).

2.The case of the prosecution is that on 10.05.2021, at about 8.00 a.m., when the police, on secret information, rounded Virupatchikannavaimeedu on Dindigul-Palani Road, two persons came in a two wheeler bearing Reg.No.TN57U 4974 and a Car bearing Reg.No.TN56A 8263 came from East-West and the persons, who came in the Car and in the two-wheeler, exchanged white colour gunny bags. At that time, the police party surrounded them and arrested two accused persons, namely, Karthick and Saravanan. But, two accused persons, namely, Sasikumar and Sesuraja escaped from the scene of occurrence. On search, they found that the accused persons were in possession of 25 kgs. of ganja. Subsequently, the respondent Police arrested the escaped accused persons. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner was not at all present in the scene of occurrence and he

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has been implicated in this case only through the confession statement of the co-accused. The petitioner is a similarly placed person as that of the petitioner in [Crl.O.P\(MD\).No.13334](#) of 2021 and therefore, the benefit which was extended to the petitioner in [Crl.O.P\(MD\).No.13334](#) of 2021 ought to have been extended to the petitioner also.

4.The learned Additional Government Pleader appearing for the respondent, by referring the order of this Court in [Crl.O.P\(MD\).No.13334](#) of 2021, submits that except the confession statement of the co-accused, there is no material as against the other accused and they were not present in the scene of occurrence. Therefore, this Court was inclined to grant anticipatory bail to the co-accused. Insofar as the present case is concerned, the entire contraband was transported in the petitioner's car and the said car stands in the name of the petitioner's wife. Therefore, based on the confession statement and the involvement of the vehicle, the petitioner was added as accused in this case. He further submits that the investigation is also completed and the final report is filed. Therefore, the bail granted to the co-accused in [Crl.O.P\(MD\).No.13334](#) of 2021 cannot be taken as a change of circumstances for considering the bail.

5.This Court paid its anxious consideration to the rival submissions made.

6.This Court, by earlier order dated 25.10.2021, has recorded the submission of the learned Additional Public Prosecutor that the contraband has been recovered from the car bearing Registration No.TN 56 A 8263, which stands in the name of the petitioner's wife. Further, the Investigation Agency has also collected materials as against the petitioner to prove that he is the main accused and filed a final report. Therefore, this Court finds no change of circumstances. Accordingly, the Criminal Original Petition stands dismissed. However, considering the period of incarceration, this Court directs the trial Court to conclude the trial as expeditiously as possible within a period of six months. If any co-accused is yet to be apprehended, the Court can split up the case and proceed with the available accused.

sd/-
27/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE SPECIAL JUDGE FOR NDPS ACT,
MADURAI.
 - 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 3 THE INSPECTOR OF POLICE
NIBCID, POLICE STATION,
DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.KARTHIK, Advocate (SR-429[I] dated 27/01/2022)

ORDER
IN
CRL OP(MD) No.1200 of 2022
Date :27/01/2022

RS/VR/SAR.4(28.02.2022) 3P-7C