



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

Dated: 29/06/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.7069 of 2022

Alwa @ Umamaheshwaran : Petitioner/Accused No.3

Vs.

The State through
The Inspector of Police,
Mathichayam Police Station,
Madurai District.
(Crime No.137 of 2021)

: Respondent/Complainant

For Petitioner : Mr.C.Karthikeya, Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.137 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested on 09/07/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b)(ii)(c), 25, 29(1) of NDPS Act, in Crime No.137 of 2021, seeks bail.

2.The case of the prosecution is that on 14/04/2021 at about 09.15 am, on receiving secret information, the respondent police went to Vaigai Vadamarai Road, old Debris building Mathina Mosques at about 10.15 am, they had seen some persons standing near the said building and after search, the respondent police team found the accused 1 and 2 were in possession of 30 kgs of ganja. Hence, the complaint.

3.Heard both sides.



4.The learned counsel appearing for the petitioner would straightaway rely upon the bail, that was granted by this court in respect of the co-accused/A5 namely Baskaran in Crl.OP(MD)No.6185 of 2022, dated 09/05/2022 and would contend that this petitioner is also similarly placed person and except the confession statement of the co-accused, no other material has been collected during the course of investigation by the police. So, the rule of parity can be invoked against the this petitioner.

5.Now the question arises for consideration is this contention is accepted or not.

6.This petitioner is arrayed as A3. Perusal of the CD file shows that on the basis of the confession statement of the co-accused, this petitioner is also implicated in this case, similar to A5, for whom, bail was granted by this court. Except the confession statement of the co-accused, no other material has been collected during the course of investigation by the Investigating Officer.

7.It is the contention on the part of the prosecution that from the confession statement to the effect that all the accused persons used to purchase Ganja from Andhra Pradesh and selling the same in Tamil Nadu. The Ganja was stored near Mathina Palivasal. A1 and A2 were arrested by the police along with the above said contraband and based upon the above said confession statement, the petitioner was also implicated in this case.

8.So, without going into the other aspects, only on the rule of parity, this court is inclined to **grant bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his 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 I Additional District Judge for EC and NDPS Cases Court, Madurai and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

sd/-
29/06/2022

/ TRUE COPY /

29/06/2022
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.



TO

1. THE I ADDITIONAL SESSIONS JUDGE
FOR EC AND NDPS CASES, MADURAI.
2. THE INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.7069 of 2022
Date :29/06/2022

USK/PN/SAR-III/29.06.2022/3P/5C