



1

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

Dated: 05/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.7723 of 2022

Kattupoochi @ Velmurugan : Petitioners/A10

Vs.

State rep. by
Inspector of Police,
Subramaniyapuram Police Station,
Madurai City.
(Crime No.1453 of 2020) : Respondent/Complainant

For Petitioner : Mr.J.Vijayaraja

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

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

PRAYER :-

C-32B-For Bail in Crime No.1453 of 2020 on the file
of the Respondent Police.

ORDER : The Court made the following order:-



The petitioner, who is arrayed as A10 was arrested, on 16/11/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.1453 of 2020, seeks bail.

2.The case of the prosecution is that on 10/11/2020 at about 2.15 pm, on a secret information from the police informer, the de-facto complainant along with the police team were on the look out for suspect. On that basis, they visited the place of occurrence. At about 03.00 pm, they were hiding near the bushes. At about 3.15 pm, a lorry bearing registration No.TN-38-BC-2506 was identified by the police informer. That was intercepted by the team, in which two persons by name Malaisamy and Shanmugaprabhu were found. They disclosed their names. Further search was made. They were found in possession of 24 kgs of ganja in 13 bags. Similarly, ganja dust was also found. It is also found weighing about 332 kgs. further process of sampling and arrest was undertaken. On the basis of the above said occurrence, the case has been registered against 11 persons.



3. Seeking bail, this petitioner, who is arrayed as A10 has filed this petition on the ground that except the confession statement of the co-accused, nothing is available on record to connect him to the crime. Now the final report has been filed making allegation that this petitioner also joined with the co-accused for the purpose of transporting ganja. On that account, this petitioner is also implicated under the provision of 120(B) IPC.

4. The learned counsel appearing for the petitioner would rely upon the order of the coordinate Bench of this court passed in CrI.OP(MD)No.2094 and 2680 of 2022, dated 28/02/2022 for the purpose of argument that a similarly placed accused namely Nelson, who is arrayed as A7 was granted bail in respect of Crime No.1453 of 2020 on the ground that except the confession statement of the co-accused, no other material is available. As mentioned earlier, offence under section 120-B IPC is implicated against this petitioner. When similarly, the above said Nelson is also implicated for the offence under section 120(B) IPC, so the learned counsel appearing for the petitioner would submit that rule of parity can be adopted for considering this bail application also.



5. But the learned Additional Public Prosecutor would submit that the petitioner is not having good conduct and good precedent and is having seven cases, mostly in the nature of attempt to murder, murder, rioting in the prison, etc., According to the learned Additional Public Prosecutor, if the petitioner is released on bail, then there is every likelihood of committing the similar and other offences.

6. No doubt that the petitioner is not having any good conduct and good precedent and most of the cases are around trial or investigation. But when the co-accused, who is similarly placed person has been granted bail, considering the duration of the custody of the petitioner, I am of the considered view that rule of parity can also be invoked in respect of this petitioner also.

7. So considering the duration of the custody of the petitioner, without going into other aspects, by applying the rule of parity, this court is inclined to grant bail to the petitioner/A10 with certain conditions. Accordingly, the petitioner/A10 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 Additional
District Judge for Principal Special Judge for NDPS Act
cases, Madurai and on further condition that the
petitioner shall report before the respondent police
daily at 10.30 am until further orders.

(G I J)
05.08.2022

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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 Inspector of Police,
Subramaniyapuram Police Station,
Madurai City.
- 2.The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Central Prison,
Madurai.



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6

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Cr1.OP (MD) No.7723 of 2022

05/08/2022



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