



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

Dated: 14/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

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Crl.OP(MD)No.8858 of 2022

Mithun @ Mithun Manickam

... Petitioner/Accused-5

Vs.

The State rep.by
The Inspector of Police,
S.S Colony Police Station,
Madurai City.
(Crime No.2361 of 2020)

... Respondent/Complainant

For Petitioner : Mr.J.VIJAYARAJA, 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.2361 of 2020 on the file of the Respondent Police.

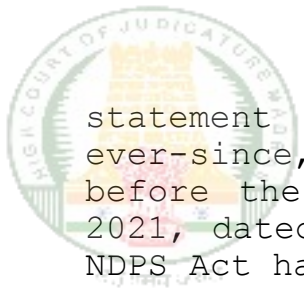
ORDER : The Court made the following order:-

The petitioner, who is arrayed as A5 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(ii), 29(1) of NDPS Act, in Crime No.2361 of 2020, seeks bail.

2.The case of the prosecution is that on 25/11/2010 between 11.30 hours and 12.30 hours, on secret information, the police team went along with the informant to the place of occurrence. At about 12.30 hours, they found a car bearing registration No.TN-38-AQ-4151. On inspection and search, two persons by name Dilipan @ Dilip Kumar and Hari Harasudhan were found. On search, they found 21 pockets of ganja. When it was weighed, it reveals that it contains 42 kgs. Further processes were undertaken as per the procedures and law. The case was registered on the basis of the complaint and the accused persons were arrested on the spot itself.

3.During the course of the investigation, the involvement of the petitioner also came to light, so he has been arrayed as 5th accused.

4.Seeking bail, this petition has been filed by this petitioner/A5 on the ground that only on the basis of the confession



statement of the co-accused, he was arrested, on 12/02/2021 and ever-since, he is in custody. The bail application that was moved before the trial court came to be dismissed in Cr.M.P No.1674 of 2021, dated 29th September 2021 on the ground that section 37 of the NDPS Act has not been complied.

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5.The matter was already heard and orders to be pronounced today. In the CD file, it has been mentioned that this petitioner is involved in Crime No.1453 of 2020. But the learned counsel appearing for the petitioner has produced the FIR for the above said crime, wherein we find that this petitioner is not arrayed as an accused. In the final report also, the petitioner's name is not mentioned. So, it is a mistake on the part of the respondent police to say that this petitioner is also in the above said crime. It is further seen that the petitioner was arrested in Crime No.165 of 2019 on the file of the B5 South Gate Police Station, which was registered for the offences under section 302 IPC and other offences.

6.Further perusal of the records shows that only based on the confession of the co-accused, this petitioner has been arrayed as an accused. A similarly placed persons also granted bail by the Coordinate Bench of this court in Crl.OP(MD)No.2984 of 2022, dated 28/02/2022. So the benefit of parity can also be extended to this petitioner also.

7.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 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.

sd/-

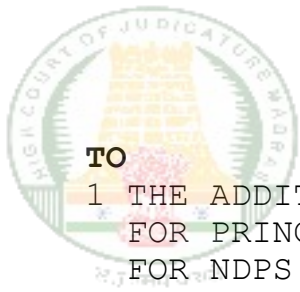
14/07/2022

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15/07/2022

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 ADDITIONAL DISTRICT JUDGE,
FOR PRINCIPAL SPECIAL JUDGE,
FOR NDPS CASES, MADURAI.

2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
S.S COLONY POLICE STATION,
MADURAI CITY.

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

+1 cc to Mr.J.VIJAYARAJA, Advocate, SR.No.7186

ORDER

IN

CRL OP(MD) No.8858 of 2022

Date :14/07/2022

SA/VR/SAR.3/15.07.2022/3P/6C