



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD). No.13153 of 2022

WEB COPY

Selvapandi

... Petitioner/6th Accused

Vs

State Rep.by
The Inspector of Police,
Mathichayam Police Station,
Madurai City.
Crime No.344 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Kaliraj, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

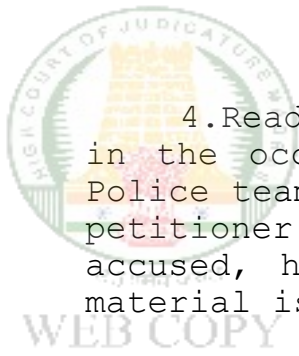
For Bail in Crime No.344 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 26.05.2022 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of NDPS Act, in Crime No.344 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the basis of secret information given by the Police Informer, the defacto complainant along with Police team went to the crime spot ie., Sha Theater, Madurai at about 09.15AM, the Police informer identified the suspected persons and on seeing the Police team, the accused persons escaped from the place. During the search, it was found that the accused persons were found in possession of 24 Kgs of ganja. Hence, this case has been registered against the seven accused persons. Seeking bail, this petitioner/A5 has filed this petition.

3.The petitioner had already moved the trial Court in CrI.MP No.1026 of 2022 for bail, that was dismissed on the ground that the petitioner was also present at the occurrence place and Section 37 of NDPS Act is not complied and also 12 previous cases are pending against this petitioner.



4. Reading of the FIR shows that the petitioner was arrested in the occurrence place along with the contraband, on seeing the Police team, he escaped from the place. The learned counsel for the petitioner submitted that based on the confession statement of co-accused, he has been arrayed as accused and except that no other material is available to implicate the accused in this case.

5. The learned Additional Public Prosecutor submitted that the joint possession can be construed since he was identified by Police informer in the place of occurrence itself and since the petitioner escaped from the scene, he could not be secured by the Police. Apart from that, it has been stated that out of 12 previous cases, two cases in Cr.No.1348 of 2021 and 242 of 2022 are in similar in nature and other cases are IPC offences. It is stated further that since the petitioner did not attend the trial, warrant has been issued against him in one case. On execution of warrant in that case, he was arrested on 25.06.2022. The petitioner is having bad antecedents and if he released on bail, there is very likelihood of absconding and hampering the trial process. Since in this case, trial is going to be completed. To support his contention, he also filed the list of cases pending against the petitioner and orders passed in various cases.

6. From the above, it is seen that the petitioner is not keeping good conduct. He is also known for habitual nature of absconding and engaging in similar kind of activities. The learned counsel for the petitioner would submit that the co-accused was already enlarged on bail, by this Court in Crl.OP(MD)No.4580 of 2022, dated 23.03.2022. The co-accused was released on bail, on the ground that no similar case is pending against the above said accused. Therefore, the petitioner cannot argue that Rule of Parity should be invoked against him also. Considering the habitual nature of the petitioner and also known for absconding, he is not entitled for bail.

7. However, the trial Court is directed to expedite the trial in CC No.625 of 2021 and complete the same within a period of five months, from the date of receipt of a copy of this Order. If the trial could not be completed within five months, the petitioner can very well revive his bail application.

8. With the above directions, this Criminal Original Petition stands dismissed.

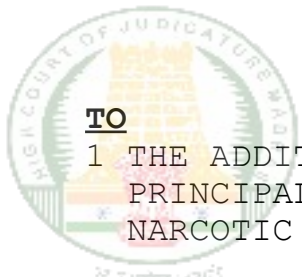
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, MATHICHAYAM POLICE STATION, MADURAI CITY,
MADURAI 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.

ORDER
IN
CRL OP(MD) No.13153 of 2022
Date :08/08/2022

PNM
RS/SVR/SAR.4 (18.08.2022) 3P-6C