



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 03.11.2025

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.9320 of 2025

Kattupoochi @ Velmurugan

... Petitioner

Vs.

State Represented by the Inspector of Police,
Subramaniyapuram Police Station,
Madurai City.
(Crime No.1453 of 2020)

... Respondent

For Petitioner : M/s.J.Vijayaraja

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PRAYER :- For Bail in Cr.No.1453 of 2020 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A-10, who was arrested and remanded to judicial custody on 16.11.2021 for the offences punishable under Sections 8(c) read with 20(b)(ii)(c), 25, 29(1) of NDPS Act, on the file of the respondent police, seeks bail.

2. The contention of the petitioner is that he was an accused in



C.C.No.244 of 2021. Initially the petitioner was granted bail, but subsequently the petitioner could not appear for trial since he was arrested in a murder case.

In the meanwhile, absconding charge sheet was filed against the petitioner and the case was split up in C.C.No.715 of 2023. The petitioner is having 11 previous cases. In one such previous case, the petitioner sought bail. This Court while considering the bail petition had recorded that the petitioner is having 11 previous cases and inspite of the same, bail was granted. Hence in the present case also the petitioner is seeking bail.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was added as accused based on the confession statement. However, the Learned Additional Public Prosecutor had vehemently objected for granting bail to the petitioner since the petitioner is having 11 previous cases and the petitioner is not satisfying the section 37 of NDPS Act and opposed the bail application.

4. However, the learned counsel appearing for the petitioner submitted that in another criminal case against the petitioner, this Court granted bail in CrI.O.P.(MD)No.22437 of 2024, vide order dated 06.01.2025, wherein it was specifically recorded that 11 previous cases were pending against the petitioner.



5. It is seen after split up case in C.C.No.715 of 2023, the Trial Court had issued non-bailable warrant. The warrant was executed and the petitioner was arrested and was under custody from 16.11.2021, i.e., for more than 3½ years. In the meanwhile, the main case in C.C.No.244 of 2021 was taken up trial. In the main case A1 and A2 were convicted and punished. However, all other accused persons were acquitted from all the charges since the said other accused persons were included in the case based on the confession. The petitioner is also included in the present case based on the confession only, hence the petitioner satisfying the section 37 of NDPS Act. As far as the objection of 11 previous cases are concerned, it is seen that this Court in another case granted bail to the petitioner after recording the fact that the petitioner is having 11 previous cases. Therefore, the said objection is rejected.

6. Considering the fact that it is only a case of jumped out bail, and taking into account the incarceration of more than 3½ years, as well as the fact that the petitioner was implicated based on a confession statement and co-accused who were included based on confession statement case were acquitted, based on the fact that the petitioner was already granted bail in another case inspite of 11 previous cases, this Court is inclined to grant bail with certain conditions.

7. The learned counsel appearing for the petitioner submitted that



though the petitioner was earlier confined in the Coimbatore Prison, he has now been shifted to the Central Prison, Madurai, and therefore, the bail bond may be sent to the Central Prison, Madurai.

8. Accordingly, the petitioner is ordered to be released on bail, on 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 I Additional District Court, Special Court for NDPS Act Cases, Madurai, and on further conditions that,

a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b)the petitioner shall appear before the I Additional District Court, Special Court for NDPS Act Cases, Madurai, in all the future hearing dates without fail;

c)the petitioner shall not tamper with evidence or witness;

d)the petitioner shall not abscond during trial;

e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

03.11.2025

KSA

TO

- 1.The I Additional District Court, Special Court for NDPS Act Cases, Madurai
2. The Superintendent, Central Prison, Madurai.
- 3.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.



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S.SRIMATHY,J

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ORDER
IN
CRL OP(MD) No. 9320 of 2025

Date : 03.11.2025