



CRL OP(MD). No.22437 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.22437 of 2024

Kattupoochi @ Velmurugan,

... Petitioner/ Accused No.5

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.423 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.J.Vijayaraja,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

to enlarge the petitioner on bail who is in judicial custody in C.C.No.158 of 2024 on the file of Learned II Additional District Judge, Special Court NDPS cases, Madurai in connection with Crime No.423 of 2023 on the file of respondent police.



CRL OP(MD). No.22437 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 23.01.2024, for the offences under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act in C.C.No.158 of 2024 on the file of Learned II Additional District Judge, Special Court NDPS cases, Madurai, seeks bail.

2. The case of the prosecution is that the Sub Inspector of Police received an information on 04.09.2023 and it was recorded in the general diary and the information was sent immediately to the superior officer. After obtaining permission, the Police team proceeded to the spot and found three accused persons and when the Police questioned, they disclosed their names. Thereafter, the Police informed them about their right under Section 50 of the NDPS Act. Since they waived their right, a search was conducted and 21 kgs of ganja was seized by the Police. On further enquiry, it came to light that Accused Nos.1 to 3 had purchased ganja from Accused Nos.4 and 5, three days prior to the date of occurrence and 25 kgs of ganja was collected by Accused Nos.1 to 3 from Accused Nos.4 and 5 and four kgs were already sold and the remaining 21 kgs was planned to be taken by Accused Nos.1 to 3 to Rameshwaram via train. When they were waiting for the



CRL OP(MD). No.22437 of 2024

train, the Police party caught them red handed. Accused Nos.1 to 3 were also arrested. There are totally five accused persons in this case and the petitioner has been arrayed as Accused No.5.

3. The learned counsel appearing for the petitioner submitted that this petitioner has been arrayed as an accused only based on the confession of the co-accused and there is absolutely no recovery from the petitioner. He further submitted that the police report has been filed after completion of investigation. That apart, the learned counsel also brought to the notice of this Court the order passed in CrI.O.P.(MD).No.16725 of 2024, dated 16.10.2024, wherein, this accused is also similarly placed like that of the petitioner. He also brought to the notice of this Court that Accused Nos.1 and 2 have already been enlarged on bail by this Court and the relevant order copies were also placed before this Court.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that there are 11 previous cases against the petitioner for IPC offences. He further by relying upon the counter affidavit filed by the respondent police, vehemently opposed the grant of bail to the petitioner.



CRL OP(MD). No.22437 of 2024

WEB COPY

5. Taking into consideration the facts and circumstances of the case and considering the order passed in CrI.O.P.(MD).No.11346 of 2024, wherein Accused No.3 was granted bail by this Court and the order passed in CrI.O.P.(MD).No.20603 of 2024, wherein, Accused No.2 was granted bail and also the order passed in CrI.O.P.(MD).No.16725 of 2024, wherein, bail was granted to Accused No.4, who is similarly placed like that of the petitioner, since both these accused persons were added as accused based on the confession of co-accused and considering the fact that the petitioner has suffered incarceration from 23.01.2024 and the previous cases that are pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the criminal original petition is ordered and 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 learned II Additional District Judge, Special Court for NDPS 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 may obtain a copy of their Aadhar card or Bank pass



CRL OP(MD). No.22437 of 2024

Book to ensure their identity.

WEB COPY

[b] the petitioner shall report before the learned II Additional District Judge, Special Court NDPS cases, Madurai during every date of hearing without fail.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or 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, 2023.

sd/-
06/01/2025

/ TRUE COPY /

06/01/2025

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

TSG



CRL OP(MD). No.22437 of 2024

TO
WEB COPY

- 1 THE II ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR NDPS CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.22437 of 2024

Date :06/01/2025

SS/SAR- /06/01/2025/ 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023