



CRL OP(MD)No.12615 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.07.2026

PRESENT

THE HONOURABLE MR.JUSTICE K. RAJASEKAR

CRL OP(MD)No.12615 of 2026

Suresh @ Sureshkumar

... Petitioner / 3rd Accused

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
Usilampatti Town Police Station,
Theni District.
(Crime No.455 of 2023)

... Respondent/Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to enlarge the petitioner / 3rd accused on bail in the event of his arrest or surrender in connection with Crime No.455 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Shankar Ganesh,
Advocate

For Respondent : Mr.T.Lenin Kumar,
Counsel for State of TN
(Criminal Side)



CRL OP(MD)No.12615 of 2026

WEB COPY

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest in connection with Crime No.455 of 2023 on the file of the respondent police, registered for the offences punishable under Sections 8(c), and 20(b)(ii)(C) of Narcotic Drugs & Psychotropic Substances Act, 1985, seeks the relief of anticipatory bail.

2. The allegation against the petitioner is that he has been arrayed as A3 in this case. Based on prior information, on 06.09.2023, the respondent police kept surveillance at 58 Kaalvaai Aathupaalam within their jurisdiction. At about 5.30 p.m., they intercepted accused Nos.1 and 2. After complying with the mandatory provisions of the Act, search and seizure were conducted, and 22 kilograms of ganja were recovered from them. Consequently, both of them were arrested. Based on the statements recorded from them, it was revealed that the petitioner herein had also actively participated in procuring and transporting the ganja. Accordingly, the petitioner was arrayed as an accused in this case. At the time of filing the final report, he was shown as an absconding accused,

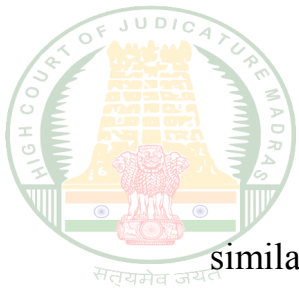


CRL OP(MD)No.12615 of 2026

and the final report was filed accordingly. The same was taken on file in C.C.No.98 of 2024 on the file of the I Additional District Special Court for NDPS Cases, Madurai.

3. The learned counsel for the petitioner submitted that, except the confession statements recorded from the arrested accused, no other material evidence has been produced to implicate the petitioner. It was further submitted that a Non-Bailable Warrant is now pending against the petitioner. Though the prosecution has stated that the petitioner is involved in one previous case, in the said case, he has already been granted bail. The learned counsel further submitted that the petitioner is ready and willing to cooperate with the investigation and abide by any condition that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail.

4. The learned Counsel for State of TN (Criminal Side) fairly submitted that, except the confession statements of the co-accused, no other material evidence has been produced against the petitioner. He further submitted that the petitioner is involved in one previous case of a

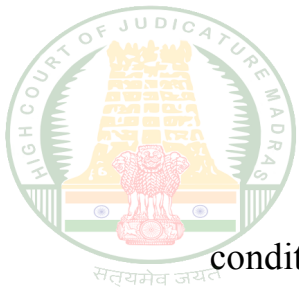


CRL OP(MD)No.12615 of 2026

similar nature. Hence, he opposed the grant of anticipatory bail to the petitioner.

5. I have gone through the final report filed along with the counter affidavit. The list of witnesses and the memo of evidence reveal that the witnesses cited are only to speak about the search and seizure conducted for recovery of contraband from A1 and A2 and their subsequent arrest. The remaining witnesses are the forensic expert and the person, who completed the investigation and filed the final report. There is no other material produced against the petitioner except the confession statements of the co-accused. The Hon'ble Apex Court, in ***Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1***, has held that *the statement recorded by the police under Section 25 of the Evidence Act is inadmissible in evidence except for the same being ready for recovery or discovery of any fact.*

6. In the present case, except the confession statements of the co-accused, there is no other material evidence against the petitioner. Therefore, this Court is of the view that the petitioner satisfies the



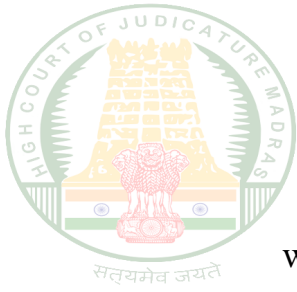
CRL OP(MD)No.12615 of 2026

conditions of the NDPS Act and is entitled to the grant of anticipatory bail. Further, the petitioner is not involved in any other criminal case except one previous case, in which he has already been granted bail. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned I Additional District Judge for NDPS Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further conditions that:

(a) the petitioner and 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 Book to ensure their identity;

(b) the petitioner shall report before the concerned trial court on all working days at 10.30 a.m. for a period of six



CRL OP(MD)No.12615 of 2026

weeks;

WEB COPY

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

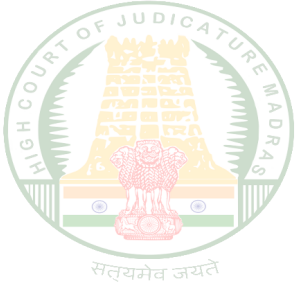
(d) the petitioner shall not abscond either during investigation or trial;

(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]***; and

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

22.07.2026

mkn



CRL OP(MD)No.12615 of 2026

WEB COPY

To

- 1.The I Additional District Court for NDPS Act Cases,
Madurai.
- 2.The Inspector of Police,
Usilampatti Town Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD)No.12615 of 2026

K. RAJASEKAR, J.

mkn

ORDER
IN
CRL OP(MD) No.12615 of 2026

Date : 22.07.2026