



CRL OP(MD). No.19408 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Ranjith @ Tharma Ranjith

... Petitioner/3rd Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Utchipuli Police Station,
Utchipuli,
Ramanathapuram District.
Crime No. 355 of 2021.

... Respondent/Complainant

For Petitioner : M/s. Jeyakarthik.M.S, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime no.355 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 26.09.2024 for the offences under Sections 294(b), 332, 506(ii) IPC and 8(c)



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& 20(b)(ii)(C) of NDPS Act, 1985 in Crime No.355 of 2021 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that a secret information was received by the Sub Inspector of Police of the respondent Police Station to the effect that some of the prime suspect in the pending cases who are absconding, are selling Ganja in a petty shop. The Police team went to the spot. A1 and A2 were arrested and they were found in possession of 21.250kgs of Ganja. The petitioner A3 was also present with them. However, on seeing the Police, he fled the scene of occurrence.

3.The further case of the prosecution is that the petitioner was arrested in some other case and he was in judicial custody. He was not able to be apprehended in this case. Therefore, on completion of investigation, final report was filed before the Special Court by showing the petitioner as an absconding accused. Thereafter, NBW was issued against the petitioner. The petitioner was formally arrested from Sub Jail, Ramanathapuram on 18.09.2024 and remanded to judicial custody on 26.09.2024.

4.The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner was not even present in the scene of crime and the petitioner has suffered incarceration in this case from 26.09.2024.



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5.The learned Additional Public Prosecutor on relying upon the counter filed by the respondent Police submitted that the incident took place in the year 2021 whereas, the petitioner was able to be arrested only in the year 2024. That apart, there are four previous cases against the petitioner and all those cases were registered for the offence under IPC. The learned Additional Public Prosecutor further submitted that A1 and A2 were granted statutory bail and till date A4 is absconding. Hence, he vehemently opposed grant of bail to the petitioner.

6.This Court carefully considered the submission of the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

7.In the instant case, the incident had taken place in the year 2021. This Court has carefully gone through the FIR, that was registered on 06.08.2021. The petitioner is said to have fled away from the scene of crime and he was able to be apprehended only in the year 2024 and he was formally arrested when the petitioner was in judicial custody in some other case.

8.Taking into consideration the facts and circumstances of the case and considering the fact that the presence of the petitioner in the scene of crime itself is put to question and also considering the fact that the incident is of the year 2021 and the final report has already been filed before the Special Court and that A1, A2 were



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already enlarged on statutory bail and the petitioner has suffered incarceration from 26.09.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

9. 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 Additional District and Sessions Judge for EC and NDPS Act, Pudukottai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned Additional District and Sessions Judge for EC and NDPS Act, Pudukottai on 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



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Judge/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 Judge/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 Act.

sd/-
27/11/2024

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27/11/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
FOR EC AND NDPS ACT,
PUDUKOTTAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
UTCHIPULI POLICE STATION,
UTCHIPULI,
RAMANATHAPURAM DISTRICT.

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

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ORDER
IN
CRL OP(MD) No.19408 of 2024
Date :27/11/2024

SA/SAR. /27.11.2024/6P/C

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