



CRL OP(MD). No.22541 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.22541 of 2024

Mahalingam

... Petitioner/1st Accused

Vs

The State of Tamil Nadu,
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
Cr No. 240/2024.

... Respondent/Complainant

For Petitioner : Mr.Abudukumar Rajarathinam
For Mr.V.Johnson Yuvaraj,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in crime no.240/2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 12.12.2024 for the offences under Sections 20(b)(ii)(B) and 8(c) of NDPS Act in Crime No.240 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.12.2024, based on secret information, the respondent police found A1 and A2 standing with a polythene cover and when the police approached, A2 escaped from the place and the petitioner (A1) was caught hold and on search, they seized 2.25 Kg of Ganja. There are totally two accused persons in this case and the petitioner has been arrayed as A1.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was found in possession of 2.25 Kg of Ganja and the petitioner was in the process of procuring huge quantity of Ganja and by the time the transaction went through, the petitioner was caught and arrested. He further submitted that there are nine previous cases pending against the petitioner, out of which, one case pertains to offence under the NDPS Act.



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4. Heard the learned Counsel appearing on either side.

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5. In the considered view of this Court, there is a pattern in registering cases against the petitioner and his son and particularly by booking them under the NDPS Act. Even on an earlier occasion, an FIR came to be registered in Crime No.121 of 2023 before the Royapuram Police Station, Chennai, wherein, it was alleged that the accused persons were found in possession of 500 grams of Methamphetamine. In that case, the petitioner and his son were arrayed as A4 and A3. They were arrested in that case and the bail petition came up for hearing in CrI.O.P(MD)No.14303 of 2023. This Court discussed in detail as to how the petitioner and his son were falsely implicated in that case. Accordingly, both the petitioner and his son were enlarged on bail.

6. The proceedings was also challenged by the petitioner and his son in CrI.O.P (MD)No.21584 of 2023 and this Court on considering the facts of the case directed the police not to file a final report in that case.

7. It is seen that A2/son of the petitioner is the Panchayat Union Counsellor and the petitioner is a Panchayat President and both of them are not affiliated to any political party and they are independent candidates. It is also seen that they are regularly engaged in conducting protest whenever such an occasion arises against the Government.



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8. Taking into consideration the facts and circumstances of the case and considering the manner, in which, the prosecution has projected this case and taking note of a pattern that has set in registering cases against the petitioner and his son just because they are independent candidates and also considering that there are nine previous cases pending against the petitioner and also of the fact that this petitioner has already suffered incarceration from 12.12.2024 and also taking note of the fact that A2/son of the petitioner herein was granted anticipatory bail by this Court in Crl.O.P(MD)No.22318 of 2024, dated 17.12.2024, 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 Judge, Special Court under EC Act Cases, Thanjavur**, 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 Book to ensure their identity.



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[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
18/12/2024

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18/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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TO
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- 1 THE ADDITIONAL DISTRICT JUDGE,
SPECIAL JUDGE UNDER EC ACT CASES, THANJAVUR.
- 2 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.
- 3 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+3 CC to M/s.V.JOHNSON YUVARAJ, Advocate (SR-15594[I] dated 18/12/2024)

ORDER
IN

CRL OP(MD) No.22541 of 2024
Date :18/12/2024

SS/SAR- /18/12/2024/ 6P/8C

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