



Crl.O.P.Nos.929, 1335, 8375, 8206, 8292 & 6290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.04.2025

PRONOUNCED ON : 16.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.929, 1335, 8375, 8206, 8292 & 6290 of 2025

Crl.OP.No.929 of 2025

J.Jerman Rakesh

... Petitioner/A8

Vs.

The State Rep. By

The Inspector of Police,

E3, Saravanampatti Police Station,

Coimbatore District.

[Cr.No.620 of 2024]

... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, to enlarge the petitioner/A8 on anticipatory bail in the event of arrest in Cr.No.620 of 2024 on the file of the respondent police.

Crl.OP.No.1335 of 2025

1. Sujimohan

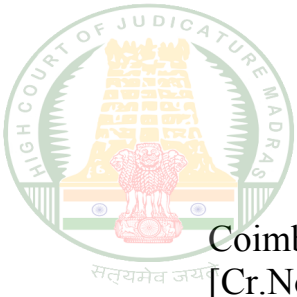
2. Sivaneshwaran @ SRB Siva ... Petitioners/A3 & A4

Vs.

The State Rep. By

The Inspector of Police,

E3, Saravanampatti Police Station,



CrI.O.P.Nos.929, 1335, 8375, 8206, 8292 & 6290 of 2025

Coimbatore District.

[Cr.No.620 of 2024]

... Respondent/Complainant

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PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, to enlarge the petitioners/A3 & A4 on anticipatory bail in the event of arrest in Cr.No.620 of 2024 on the file of the respondent police.

CrI.OP.No.8375 of 2025

Gowtham @ Kamarajapuram Gowtham

... Petitioner/A2

Vs.

The State Rep. By

The Inspector of Police,

E3, Saravanampatti Police Station,

Coimbatore District.

[Cr.No.620 of 2024]

... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioner/A2 on bail in connection with Cr.No.620 of 2024 on the file of the respondent police.

CrI.OP.No.8206 of 2025

1. Babu @ Siva

2. Ravi @ Ravindran

... Petitioners/A6 & A7

Vs.

The State Rep. By

The Inspector of Police,

E3, Saravanampatti Police Station,

Coimbatore District.

[Cr.No.620 of 2024]

... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS,



CrI.O.P.Nos.929, 1335, 8375, 8206, 8292 & 6290 of 2025

to enlarge the petitioners/A6 & A7 on bail in connection with Cr.No.620 of 2024 on the file of the respondent police.

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CrI.OP.No.8292 of 2025

Ashwin Kumar @ Ashwin ... Petitioner/A5

Vs.

The State Rep. By
The Inspector of Police,
E3, Saravanampatti Police Station,
Coimbatore District.
[Cr.No.620 of 2024] ... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioner/A5 on bail in connection with Cr.No.620 of 2024 on the file of the respondent police.

CrI.OP.No.6290 of 2025

Manoj Kumar @ Mari Manoj ... Petitioner/A1

Vs.

The State Rep. By
The Inspector of Police,
E3, Saravanampatti Police Station,
Coimbatore District.
[Cr.No.620 of 2024] ... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioner/A1 on bail in connection with Cr.No.620 of 2024 on the file of the respondent police.

For Petitioner(s) in
CrI.OP.No.929 / 2025 : Ms.Priyanka
CrI.OP.No.1335 / 2025 : Mr.Stephen Raj .B



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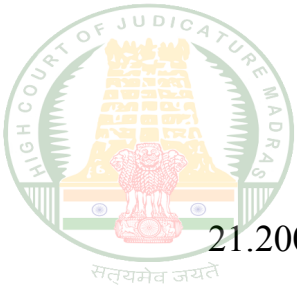
Crl.OP.Nos.8375, 8206
and 8292 / 2025 : Mr.D.Padmanabhan
Crl.OP.No.6290 / 2025 : Mr.B.Vijay
For Respondent : Mr.S.Santhosh
in all cases Govt. Advocate (Crl.Side)

COMMON ORDER

Criminal Original Petitions viz., Crl.OP.Nos.6290, 8375, 8292 and 8206 of 2025 have been filed by the petitioners/A1, A2, A5, A6 and A7, who were arrested and remanded to judicial custody, seeking bail in Crime No.620 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(c) & 29(1) of NDPS Act.

2. Criminal Original Petitions viz., Crl.OP.Nos.929 and 1335 of 2025, have been filed by petitioners/A3, A4 and A8, who apprehend arrest at the hands of the respondent police, seeking anticipatory bail in the very same case.

3. It is the case of the prosecution that on 31.12.2024 at about 13.30 hours, on secret information, the respondent intercepted the petitioner in Crl.OP.No.6290 of 2025 [Manoj Kumar-A1] and on the search conducted, seized two white-coloured plastic bags containing



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21.200 Kgs of ganja which was concealed in a bush near a lake at about 15.50 hours, on the same day; that the first accused was arrested at 14.15 hours and thereafter, on his confession it was revealed that the first accused and the other co-accused viz., A2 to A8 were involved in the business of selling ganja in local schools and colleges and to the known people in the town; and that later the first accused was taken to the police station at 6.00 pm on the same day and remanded to judicial custody on 01.01.2025.

4. The petitioner in CrI.OP.No.8375 of 2025/A2 was arrested on 22.01.2025. The petitioner in CrI.OP.No.8292 of 2025/A5 was arrested on 22.01.2025. The petitioners in CrI.OP.No.8206 of 2025 were arrested on 22.01.2025 and 24.01.2025, respectively.

5. The learned counsel for the first accused/petitioner in Cr.No.6290 of 2025 submitted that the respondent has filed a false case; that the petitioner was not arrested on the date and time mentioned by the respondent; that no seizure was made by the respondent from the petitioner; that the petitioner was taken to the police station between 12.30 and 12.40 p.m., on 31.12.2024, in a two wheeler and thereafter,



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this case has been foisted on him.

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(ii) The learned counsel also produced the copy of the CCTV footage taken near the place where the first accused was picked up by the respondent police and therefore, strenuously contended that the case has been foisted.

6. The learned counsels for the other petitioners adopted the said submission made by the learned counsel for the first accused and further submitted that apart from the confession, there is no other material to connect the other accused with the alleged crime; that no seizure was made from the petitioners; that merely because they were involved in a few cases under the NDPS Act, it cannot be presumed that they were involved in this case also and therefore, submitted that they have satisfied the twin conditions under Section 37 of the NDPS Act and sought for bail / anticipatory bail.

7. (i) The learned Government Advocate (Crl.Side) *per contra* submitted that the CCTV footage might be defective in respect of time factor as according to the respondent, the petitioner in Crl.OP No.6290 of 2025 [first accused] was taken to the police station after 4.00p.m.

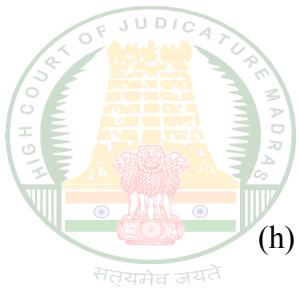


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WEB COPY (ii). The learned Government Advocate (CrI.Side) also produced a communication addressed to the respondent by a private agency viz., 'AS Communic Solutions' in which it is stated that they had examined the CCTV footage and that though the CCTV footage is genuine, there is a time mismatch.

(iii) The learned Government Advocate (CrI.Side) further submitted that in a case of this nature, this Court cannot at this stage accept the CCTV pictures alone as the genuineness of the footage can be only determined in the trial and submitted that

- (a) A1/petitioner in CrI.OP.No.6290/2025, has nine previous cases, out of which two are under NDPS Act.
- (b) A2/petitioner in CrI.OP.No.8375/2025, has twenty previous cases, out of which eight are under NDPS Act.
- (c) A3/1st petitioner in CrI.OP.No.1335/2025, has six previous cases, out of which one is under NDPS Act.
- (d) A4/2nd petitioner in CrI.OP.No.1335/2025, has eight previous cases, out of which two are under NDPS Act.
- (e) A5/petitioner in CrI.OP.No.8292/2025, has five previous cases, out of which two are under NDPS Act.
- (f) A6/1st petitioner in CrI.OP.No.8206/2025, has four previous cases.
- (g) A7/2nd petitioner in CrI.OP.No.8206/2025, has nine previous cases, out of which one is under NDPS Act.



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(h)

A8/petitioner in CrI.OP.No.929/2025, has four previous cases.

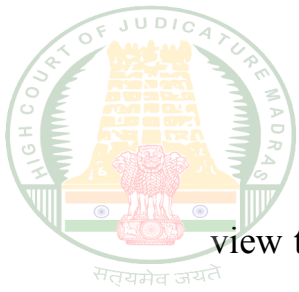
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(iv) The learned Government Advocate (CrI.Side) also submitted that the petitions for anticipatory bail would not be maintainable since the contraband involved in this case is a commercial quantity and prayed for dismissal of all the petitions.

8. This Court has carefully considered the rival submissions and perused the counter affidavits filed by the respondent.

9. Admittedly as against A2 to A8, some of whom are in custody and some of whom seek anticipatory bail, there is no other evidence except the confession of the first accused. The Hon'ble Supreme Court had repeatedly held that in cases where the only material available is the confession of the co-accused, the accused would be deemed to have satisfied the twin conditions under Section 37 of the NDPS Act.

10. The prosecution in their counter affidavits in all the petitions have not spelt out as to what is the material available besides the confession to implicate the above accused. Therefore, this Court is of the



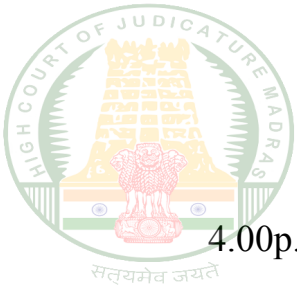
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view that A2 to A8/petitioners in Crl.OP.Nos.929, 1335, 8375, 8206 and 8292 of 2025, are entitled to be enlarged on bail/anticipatory bail as they have satisfied the twin conditions under Section 37 of the NDPS Act.

11. As regards the first accused/petitioner in Crl.OP.No.6290 of 2025, it is the specific case of the petitioner that he was taken by two policemen and were riding triples in a two wheeler to the police station, at about 12.25 p.m., on 31.12.2024. It is also his case that the CCTV footage would reveal that the respondent has not taken any bag containing the contraband in the said vehicle.

12. It is therefore the contention of the learned counsel for the first accused/petitioner that the case has been foisted and since arrest and seizure is improbable, the petitioner although has previous cases under the NDPS Act, has satisfied the twin conditions under Section 37 of the NDPS Act.

13. In the FIR, it is stated that the first accused/petitioner was taken to the police station at 18.00 hours though in the counter they have stated vaguely that the petitioner was taken to the police station after



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4.00p.m. The respondent has strangely chosen to seek an opinion of a private agency regarding the genuineness of the CCTV footage. They ought to have obtained the report of a Government agency or a Government approved agency.

14. Be that as it may. The scanned copy of the report is as follows:



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 **A S COMUNIC SOLUTIONS**
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GSTIN : 33AOMPA7953A2Z

31-03-2025
Coimbatore

To
The Inspector,
E3 Police station,
Saravanampatty,
Coimbatore -641035

Subject: CCTV DVR TIMING MISMATCH CERTIFICATE.

Dear Sir/Madam

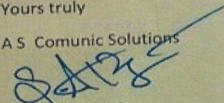
As per Your Guidelines we checked the CCTV footage on PRINTECH MACHINERY company. We checked that CCTV footage DVR timing will be mismatch on that company. We checked that time DVR is working properly. Only issue on timing mismatch. Because of the reason Battery cell dint replace for long time and Heavy power fluctuation.

This is the reason for timing mismatch on DVR.

All CCTV Cameras live timing & Streaming timing mismatch will happens.

CCTV FOOTAGE GENUITY CAN'T TRUST LIVE AND REAL TIME .

I will be certified that CCTV footage taken is true. That timing only mismatch because of above reasons.

Thanking you,
Yours truly
A S Comunic Solutions

ANANTHARAJ.S
9942414465

No:2, Amman nagar, Sathy Road, Saravanampatty, Coimbatore-641035.
PH : 0422 4974464 Mo:+91 94444 14465 Email : ascscbe@gmail.com



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15. The report is very vague as to the reason for the time mismatch in the CCTV footage. The CCTV footage were found to be genuine even as per the report. As stated earlier, the CCTV footage suggests that three persons travelled in the two-wheeler including the first accused/petitioner and contraband is not seen while the first accused/petitioner was taken to the police station. Since the respondent themselves have admitted the genuineness of the CCTV footage and the reasons for the alleged time mismatch, is not satisfactory, this Court is of the view that the first accused/petitioner has satisfied the twin conditions under Section 37 of the NDPS Act and accordingly, he is also entitled to be released on bail. This Court hastens to add that the above observations are limited for the purpose of deciding these petitions and would not affect the respondent's case before the trial Court in any manner.

16. In the result it is ordered as follows:

(A) The petitioners in **Crl.OP.Nos. 6290, 8375, 8292 and 8206 of 2025 / A1, A2, A5, A6 & A7** are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of



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the learned **Additional District Judge, Special Court for Essential**

Commodities Act (EC Judge), Coimbatore 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;

[b] the Petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.



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(B) The petitioners in **CrI.OP.Nos.1335 & 929 of 2025 / A3, A4 & A8** are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Coimbatore**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 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 Petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners 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



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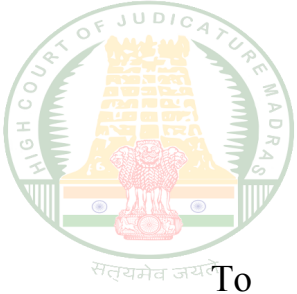
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appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

16.04.2025

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To
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1. The Judicial Magistrate No.II,
Coimbatore.
2. The Additional District Judge,
Special Court for Essential Commodities Act (EC Judge),
Coimbatore.
3. The Inspector of Police,
E3, Saravanampatti Police Station,
Coimbatore District.
4. The Superintendent of Prisons,
District Jail, Gopichettipalayam.
5. The Superintendent of Prisons,
Central Jail, Vellore.
6. The Superintendent of Prisons,
Central Prison, Trichy.
7. The Superintendent of Prisons,
Central Prison, Coimbatore.
8. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.
ars

Pre-delivery common order in
Crl.O.P.Nos.929, 1335, 8375,
8206, 8292 & 6290 of 2025

16.04.2025