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Crl.O.P.No.19815 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.19815 of 2025

Fredy Francis

... Petitioner/ A2

Vs

The State rep. by,
The Inspector of Police,
NIB CID - Salem,
Salem District.
(Crime No.14 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Spl.C.C.No.237 of 2023 pending trial on the file of the Special Court for EC/NDPS Act Cases, Salem.

For Petitioner(s) : Mr. W. Camyles Gandhi

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)

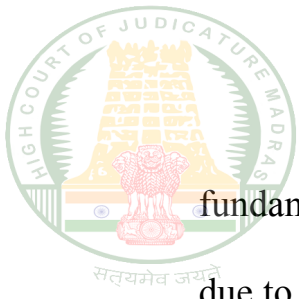


ORDER

WEB COPY The petitioner/ A2, who was arrested and remanded to judicial custody on 23.03.2023 in Spl.C.C.No.237 of 2023 pending trial on the file of the Special Court for EC/NDPS Act Cases, Salem for the offences punishable under Section 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act, 1985 of the NDPS Act, 1985 in Crime No.14 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on secret information, the petitioner/ A2 along with A1 was arrested for illegal possession of 100 kilograms of Ganja. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that this is the third bail application of the petitioner; that the similarly placed co-accused A1 was already granted bail by this Court in Crl.O.P.No.2578 of 2025 by relying the dictum laid down by Hon'ble Apex Court in ***Rabi Prakash vs. State of Odisha [2023 SCC Online SC 1109]***; that the petitioner is in custody since 23.03.2023 i.e., for more than 2.5 years and the trial is not likely to be completed in the near future; that the petitioner's



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fundamental right under Article 21 of the Constitution of India is violated due to his continuous incarceration. He also submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner submitted that the other accused in this case were arrested, the charges have been framed and the case is posted for examination of LW1 to LW3; that the trial has now commenced and is likely to be completed in the near future.

5. I have considered the submissions made on either sides and perused the materials available on record.

6. Considering the fact that the petitioner is in custody from 23.03.2023 i.e., more than 2.5 years, taking note of the fact that the trial is not likely to be concluded in the near future and the similarly placed accused/ A1 was already granted bail by this Court, vide order dated 25.03.2025 in Crl.O.P.No.2578 of 2025, this Court is of the view that the



petitioner is also entitled for bail on the same ground of parity with A1.

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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Special Judge for EC/ NDPS Act Cases, Salem** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10:30 a.m., until further orders and apart from that, he shall appear for every hearing before the Trial Court regularly without fail. If any deviation in complying any of the conditions, bail granted to the petitioner shall stand cancelled;

[c] the petitioner shall not commit any offences of similar nature;

[d] the petitioner shall not abscond either during



investigation or trial and shall not tamper with evidence or witness
either during investigation or trial;

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[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

07.10.2025

stn

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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K. RAJASEKAR, J.

stn

To

1. The Special Judge,
Special Court for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
NIB CID - Salem,
Salem District.
(Crime No.14 of 2023)
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

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