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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.21527 of 2025

Kasilingam

Petitioner

Vs

The State Represented by
The Inspector of Police,
NCB, Chennai Zone Unit,
Chennai – 77.
C.C.No.363 of 2025

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending trial in C.C. No.363 of 2025, on the file of the II Additional Special Judge for EC & NDPS Cases, Chennai.

For Petitioner:

Mr.R.C.Paul Kanagaraj

For Respondent:

Mr.N.P.Kumar,
Special Public Prosecutor



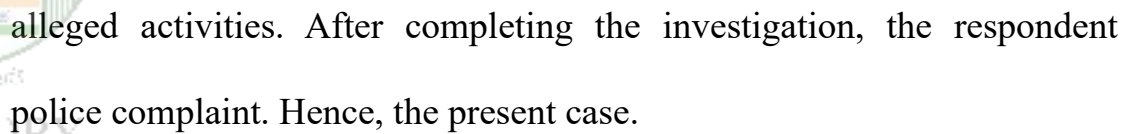
ORDER

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The petitioner, who was arrested and remanded to judicial custody on 26.06.2024 for the alleged offence punishable under Sections 8(c) of NDPS Act r/w 22(c), 27(A), 28 & 29 of the NDPS Act, 1985 in C.C.No.363 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner, who is arrayed as A6 in this case, that while he was in judicial custody from 2021 onwards, he developed contact with the other accused persons and facilitated the transportation of 1.42 kilograms of Methamphetamine by engaging A1 and one child in conflict with law. The contraband was intended to be transported to Sri Lanka with the assistance of the other accused. Based on specific information, A1 was intercepted, the contraband was seized, and A1 was arrested. The child in conflict with law was produced before the Juvenile Justice Board. Based on their statements, the other accused were arrested. During the course of investigation, it was further revealed that the petitioner was operating the network through his wife ranked as A4. It came to light that A4 had collected drug sourced cash amounting to ₹1.29 crores, which was intercepted and seized by the respondent. The statements recorded from A4 also indicated the involvement of A6 in the

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3(i). He further submitted that the respondent has relied upon certain telephonic conversations between A4 and A6, allegedly recorded without their knowledge, claiming that the said conversation pertains to the transportation of contraband and collection of funds. However, the learned counsel contended that the conversation is not incriminating in nature and, at the most, indicates that they were arranging money under certain circumstances, which does not establish any direct involvement of the petitioner in the transport of contraband seized in this case. Hence, he



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prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that, so far in this case only P.W.1 has been examined and the remaining witnesses are yet to be examined. He further submitted that the money handed over to A4 was pursuant to the instructions of A6/petitioner, and an amount of ₹1.29 crores was recovered from A4. Immediately thereafter, A4 was taken into custody, and her statement revealed that the petitioner (A6) was behind the entire network relating to the offence. Hence, he strongly opposed the grant of bail to the petitioner.

5. I have considered the submissions of both sides, perused the materials available on record.

6. I have also gone through the transcript of the conversations recorded in this case, which has been filed along with the counter. The conversation refers to various monetary transactions; however, it does not specifically indicate that these transactions were connected with the alleged contraband. It is further noted that the conversation took place between the husband and wife, and the wife had visited the petitioner in prison. This Court is of the view that whether such a conversation



recorded between spouses can be treated as admissible evidence, is itself requires of legal consideration. However, without entering into that legal question at this stage, this Court finds that, except this conversation, no other material has been placed to link the petitioner with the contraband seized in this case. Similarly, no material has been produced before this Court to establish that the money allegedly seized was in any manner connected with the transportation of the contraband seized therein. The entire conversation between the husband and wife only reveals the receipt and disbursal of certain amounts, and there is nothing to show that the said money constitute the consideration for the transportation of the contraband seized in this case.

7. In view of the facts discussed above, this Court is of the view that the petitioner has made out a case satisfying the requirements under Section 37 of the NDPS Act for grant of bail, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

8. 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, for a like sum to the satisfaction of the *learned II Additional Special Judge, EC & NDPS Court, Chennai*,



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 petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not tamper with the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



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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.

08.12.2025

drl

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.



To

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1. The II Additional Special Judge,
EC & NDPS Act, Chennai.
2. The Inspector of Police,
NCB, Chennai Zone Unit,
Chennai – 77.
3. The Superintendent,
Central Prison-I, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

drl

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