



Crl.O.P.No.20649 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20649 of 2025

Sabari @ Sabarisan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Arcot Town Police Station,
Ranipet District. (Crime No.442 of 2021)

... Respondent

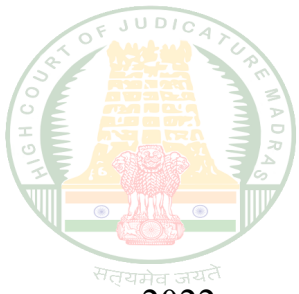
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Spl C.C.No.20 of 2022 on the file of the Special Judge for EC/NDPS Act Cases, Salem.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 04.04.2025 pursuant to a non-bailable warrant issued in Spl C.C.No.20 of



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2022 on the file of the Special Judge for EC/NDPS Act Cases, Salem in connection with Crime No.442 of 2021 registered for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner/A3 is facing trial in C.C.No.20 of 2022 on the file of the Special Judge for EC/NDPS Act Cases, Salem, since he was not aware about the events, he was unable to appear before the trial Court, thereby, the trial Court had issued a non-bailable warrant against him. He further submitted that the accused/A1 and A4 were released on bail before this Court. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for the grant of bail to the petitioner.

3. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for granting bail to the petitioner stating that the trial in the present case is pending from the year 2021 and since the non bailable warrants were pending against both the petitioner and the second accused, there is no progress in the trial proceedings. He further submitted that after a period of more than three years, the non-bailable warrant issued against the petitioner and the



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same was executed on 04.04.2025. He also submitted that the second accused is yet to be secured and further, the petitioner was in possession of 1.100 kgs of ganja.

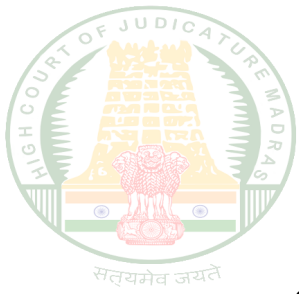
4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, the submissions made by the learned counsel appearing on either side and taking note of the nature of allegation and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 **Judicial Magistrate, Arcot**, 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 on every Tuesday at 10.30 a.m., until



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further orders and shall also appear before the Trial Court on all hearing dates, without fail;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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];

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

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To

1. The Judicial Magistrate, Arcot
2. The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
3. The Superintendent, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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