



Crl.O.P.No.28404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.28404 of 2025

M.Mahavishnu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
B2-R.S.Puram Police Station,
Coimbtore.
(Crime No.155 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.155 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.03.2025, for the offence punishable under Sections 8(c) r/w
20(b)(ii)(B), 22(b), 22(c), 25, 29(1) of the NDPS Act and Section 4(1)(a) &



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4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024, in Crime No.155 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 27.03.2025, at about 5.00 am, based on the secret information, the respondent police went to the scene of occurrence and found that petitioner along with other accused persons were found in illegal possession of 92.43 grams of Cocaine, 36.87 grams of MDMA and 4.316 kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that there are totally nine accused in this case. Two of them are shown as absconding. Out of the remaining seven accused, A5 and A7 were granted bail by this Court in Crl.O.P.Nos.13093 and 14861 of 2025, respectively, as per the order dated 17.06.2025. A6 was granted bail by this Court in Crl.O.P.No.17426 of 2025 dated 08.10.2025. He further submitted that since there was no recovery from A5 and A6, who were present at the scene of occurrence at the time of recovery of contraband from A1 to A3, they were granted bail by this Court, taking into account the absence of recovery and the fact that the petitioner has been in custody since 28.03.2025. He further



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submitted that although the petitioner is alleged to have been in company with A1 to A3, there was no recovery from him. Similarly placed accused have already been released on bail. Even A7, who was in possession of a commercial quantity, was granted bail. Hence, he prays that bail may be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail and reiterated the prosecution case. He further submitted that the co-accused/A1 to A4 had filed bail applications before this Court and the same were dismissed on 15.09.2025 in Crl.O.P.Nos.15504, 15602, 18687 & 15631 of 2025.

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

6. Considering the case of the petitioner and the applicability of Section 37 of the NDPS Act, it is noted that a earlier order dismissing the bail was passed during the investigation stage. This Court had also granted bail to one of the co-accused in Crl.O.P.No.17426 of 2025 dated 08.10.2025. Since the recovery of contraband has been taken into account as a criterion



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for considering bail in this case, and persons from whom no recovery was effected, have been granted bail. In view of the principle of parity, I am of the opinion that the petitioner, who has also been in custody, is similarly placed with persons enlarged on bail, even though the prosecution contends that the petitioner was in the company of A1 to A3. Considering that persons present at the scene of occurrence have already been granted bail, this Court is inclined to grant bail to the petitioner, subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for Trial of Cases under the EC Act, Coimbatore**, 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 appear before the respondent police daily at 10.30 am., until further



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orders.

[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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K.RAJASEKAR, J.

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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

- 1.The Special Court for Trial of Cases under the EC Act, Coimbatore.
- 2.The Inspector of Police,
B2-R.S.Puram Police Station,
Coimbatore.
- 4.The Central Prison, Coimbatore.
- 5.The Public Prosecutor,
High Court of Madras.

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