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Crl.O.P.No.32737 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.32737 of 2025

Sivalingam

... Petitioner

Vs.

The State represented by

The Inspector of Police,

Nemili Police Station,

Ranipet District.

(Crime No.28 of 2024)

... 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.28 of 2024 pending on the file of the respondent Police.

For Petitioner : Mr.V.Arul

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
12.11.2025, for the offence punishable under Section 8(c), 20(b)(ii)(A) of the



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NDPS Act and Section 25(1A) of the Arms Act, in Crime No.28 of 2024, registered on the file of the respondent, seeks bail.

The petitioner who was arrested and remanded to judicial custody on 12.11.2025, seeks bail in S.C.No.61 of 2023 for the offence punishable under Sections 8(c), 20(b)(ii)(A) of the NDPS Act and Section 25(1A) of the Arms Act, in Crime No.28 of 2024, registered on the file of the respondent.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.61 of 2023 on the file of the learned II Additional District Court at Arakkonam, Ranipet District and subsequently, he had not appeared before the trial Court, and he was issued non-bailable warrant on 30.10.2025 and the same was executed on 01.08.2025. He further submitted that, the contraband involved in this case is only 100 g of ganja and the petitioner is in custody for substantial period. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply



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with any stringent conditions that may be imposed by this Court. Therefore,
he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that in this case, petitioner continuously absconding and now the case is posted for examination of LW5 to LW7.

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

5. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the fact that the petitioner is in substantive period of incarceration, 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 their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned

II Additional District Court, Arakkonam, Ranipet District, 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 concerned Judicial Magistrate daily at 10.30.am., on all working day for a period of three weeks;

[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



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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.

28.11.2025

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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 II Additional District Court,
Arakkonam, Ranipet District.
- 2.The Inspector of Police,
Nemili Police Station,
Ranipet District.
- 3.The Central Prison, Puzhal, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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