



Crl.O.P.No.34425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.34425 of 2025

Siva @ Sivanantham

... Petitioner/ A3

Vs.

The State represented by
The Inspector of Police,
Pollachi West Police Station,
Coimbatore.
(Crime No.402 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.402 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.S.Arun Mathew

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
11.10.2025, for the offence punishable under Sections 115(2), 140(3), 296(b),
308(4), 351(2) of BNS in Crime No.402 of 2025, registered on the file of
the respondent, seeks bail.



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2. The allegation against the petitioner is that the petitioner along with other accused was found in possession of 4 kgs of ganja . Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the seized quantity is not a commercial quantity. He further submitted that, petitioner has some previous cases under IPC. Hence, he opposed for grant of bail to the petitioner.

5. Considering the fact that the seized quantity is not a commercial quantity and the fact that the petitioner has no similar previous cases and since Section 37 of NDPS Act is not applicable, 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.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned

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**Additional District Judge & Presiding Officer, Special Court for
Essential Commodities Act Cases, 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 report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[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;



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[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.

19.12.2025

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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.



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To

1. Additional District Judge & Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore

2. The Inspector of Police,
Pollachi West Police Station,
Coimbatore.

3. The District Jail, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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