



CRL OP(MD). No.939 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.A.Pandeeswaran

2.D.Naveenkumar

3.D.Mathan

...Petitioners/ Accused 1 to 3
Vs

The State of Tamilnadu,
Represented by,
The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.
(Crime No.282 of 2022)

... Respondent / Complainant

For Petitioners : Mr.G.Karuppasamy Pandian
for Mr.C.Kannnan
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor



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PETITION FOR BAIL Under Sec.483 of BNSS,2023.

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PRAYER :-

For Bail in Crime No. 282 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused 1 to 3, who were arrested and remanded to judicial custody on 05.06.2024 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 25 & 29 (1) of the Narcotic Drugs and Psychotropic Substances Act 1985, in Crime No.282 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the Village Administrative Officer received an information and based on the same, the police reached the spot and seized 68 bundles of ganja each containing 2 kilograms with a total of 136 kilograms of ganja. In the course of investigation, 11 accused persons were identified. The case was split up since some of the accused persons were absconding and the trial in CC No.160 of 2023 was undergone by four accused persons. Insofar as other accused persons are concerned, it was split up and numbered as CC No.172 of 2023. The petitioners were arrayed as A5 to A7 in the mother case and they have been arrayed as A1 and A3 in the split case in CC No.172 of 2023. The accused persons who underwent trial in CC No.160 of 2023 were acquitted from all charges through judgment dated 10.04.2024 passed by the Additional District and Sessions Judge/Special Court for EC and NDPS



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Act cases, Pudukottai. The trial Judge came to a categorical conclusion that there is no direct evidence against the accused persons for their involvement in the commission of offence.

3. The learned counsel for the petitioners submitted that the above finding that was rendered by the trial Court will enure in favour of the petitioners also since the very same materials and witnesses are relied upon by the prosecution even insofar as the rest of the accused persons are concerned. The learned counsel for the petitioner further submitted that the petitioners are suffering incarceration from 05.06.2024.

4. The learned Additional Public Prosecutor placed strong reliance upon the counter-affidavit filed by the respondent. He submitted that A1 has 3 previous cases, A2 has 10 previous cases out of which, he was convicted in 5 cases and that A3 has one previous case in which he was convicted. The learned Additional Public Prosecutor submitted that considering the bad antecedents of the petitioners, they cannot be allowed to take advantage of the judgment that was passed in favour of the other accused persons who underwent trial. The learned Additional Public Prosecutor submitted that the petitioners have not satisfied the second limb of Section 37 of the NDPS Act and sought for the dismissal of this petition.



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5. Heard the learned counsel on either side and perused the material records of the case.

6. This Court has carefully considered the submissions made on either side and materials available on record.

7. In the considered view of this Court, admittedly, the recovery was made in this case based on the information given by the Village Administrative Officer. The materials that were relied by the prosecution for those accused persons who faced trial in CC No.160 of 2023, will equally apply to the other accused persons for whom the case was split up and pending in CC No.172 of 2023. In this case, the petitioners have been arrayed as A1 to A3. It is true that there are some previous cases against the petitioners. However, the same has to be seen in the backdrop of the materials that are available in the case in hand. If strong prima facie materials are available in the case in hand, obviously the bad antecedents will also be taken into consideration while dealing with the bail application. However, this Court finds that the mother case has ended in acquittal and based on the same materials, the other accused persons in the split up case are going to face trial. It is also brought to the notice of



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this Court that no appeal has been filed against the judgment passed in CC No.160 of 2023 dated 10.04.2024. This Court also takes into consideration the fact that the petitioners are suffering incarceration in this case from 05.06.2024. This Court also takes note of the fact that there are no previous cases against the petitioner and there is a strong and arguable case for the petitioners and hence, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail on their 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 Additional District and Sessions Judge for EC and NDPS Cases, Pudukottai, 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 petitioners shall report before the Additional District and Sessions for EC and NDPS Cases, Pudukottai daily at 10.30 a.m., apart from the hearing dates until further orders.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
27/01/2025

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28/01/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

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TO
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- 1.The Additional District and Sessions Judge for EC and NDPS Cases,
Pudukottai.
- 2.The Officer-in-Charge,
District Prison,
Dindigul.
- 3.The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.939 of 2025
Date :27/01/2025

RK (28/01/2025) 7P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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