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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.948 of 2025

Rajkumar @ Ezharai Arasu

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
Crime No.310 of 2024

... Respondent/ Complainant

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.310 of 2024 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/A3 was arrested and remanded to judicial custody on 03.01.2025 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of the Narcotic Drugs and Psychotropic Substance Act, 1985, in Crime No.310 of 2024 on the file of the respondent-police.

3.The case of the prosecution is that on 01.12.2024, while the respondent-police were on patrolling duty, they found A1 riding a two-wheeler bearing registration number TN-91-W-9955. On seeing the police, A1 attempted to turn the vehicle. The police apprehended him and found that A1 was in illegal possession of 1.100 kg of ganja. Hence, the case was registered. Based on his confession, the other accused persons were arrested. The petitioner has been arrayed as A3.



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4. Mr.Krishnasamy Chinnasamy, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. A1 was already granted bail by this Court on 18.12.2024. He further submits that the petitioner has been in judicial custody since 03.01.2025. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are three accused in the present case and the petitioner is A3. The first accused was arrested with contraband on 01.12.2024. Based on the confession of A1, other accused namely A2 and A3 were arrested. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 03.01.2025 and has been in judicial custody. The co-accused A1 was already granted bail by this Court. Considering the nature of offences alleged against the petitioner and also considering the fact that the present petitioner was arrested based on the confession of A1 and the petitioner has



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permanent residence and therefore, there is less possibility of absconding, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions.

Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate No.II, Pantruti, Cuddalore District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.II, Pantruti, Cuddalore District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m. until further orders;



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(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Pantruti, Cuddalore District is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

Sd/-
10/02/2025
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10/02/2025
Sub-Assistant Registrar (PA)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

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TO
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- 1 THE JUDICIAL MAGISTRATE NO.2,
PANTRUTI, CUDDALORE DISTRICT.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, VILLUPURAM.
- 4 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.KRISHNASAMY CHINNASAMY, Advocate (SR-1548[I] dated 10/02/2025)

ORDER
IN
CRL OP(MD) No.948 of 2025
Date :10/02/2025

ES/SAR /10.02.2025/ 6P/8C

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