



CRL OP(MD) No.2155 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2155 of 2025

Subbukutty @ Karthick

... Petitioner/ Accused No.7

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No. 582/2023

... Respondent/Complainant

For Petitioner	:	Mr.K.Prabhu, Advocate.
For Respondent	:	Mr.R.Meenakshi Sundaram, Additional Public Prosecutor

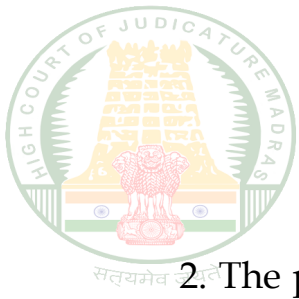
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.582 of 2023 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 30.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner/Accused No.7 was arrested and remanded to judicial custody on 22.02.2024 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(c) of NDPS Act @ Section 8(c) r/w. 20(b)(ii)(c), 25, 29(1) of NDPS Act, in Crime No.582 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 29.12.2023 at about 05:30 hours, when the Sub Inspector of Police, Tenkasi Police Station, along with his team, was on patrol duty near Ayyavaram Junction, they found that A1 to A5 were in possession of 22 kgs of ganja in a four-wheeler bearing Registration No.TN-96-F-7778. The police arrested A1 to A5 and seized the vehicle and ganja. Hence, the case. There are totally 11 accused persons in this case. Based on the confession of co-accused persons, the petitioner has been arrayed as Accused No.7.

4. Ms.K.Prabhu, the learned counsel appearing for the petitioner, submits that the petitioner herein, who is a cab driver, was not present in the scene of occurrence. He further submits that only based on the confession of co-accused persons, he has been falsely roped in this case and he has no knowledge about the other accused persons. He further submits that the petitioner has been in judicial custody since 22.02.2024. He further submits that this Court has already granted bail to Accused No.6 in Crl.O.P.(MD).No.22372 of 2024 on 21.01.2025. He therefore prays to grant bail



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to the petitioner.

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5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that it is a second bail petition filed by the petitioner and the earlier petition filed by the petitioner was dismissed by this Court, vide order dated 14.11.2024 made in CrI.O.P(MD).No.18824 of 2024. He further submits that there are 2 previous cases related to offences punishable under Sections 8(c) read with Section 20(b)(ii) of the NDPS Act and ten other cases related to offences punishable under the IPC pending against the petitioner. He further submits that the petitioner herein has close contact with the other accused and contacted A6 forty times and A10 a certain number of times. He further submits that if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and witnesses and also commit the similar offence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Admittedly, no contraband was seized from the petitioner. The petitioner was arrayed as accused based on the confession given by the co-accused persons. The petitioner was arrested and remanded to judicial custody on 22.02.2024. The petitioner has permanent residence and therefore, there is less possibility of absconding. This Court has already granted bail to Accused No.6 in CrI.O.P.(MD).



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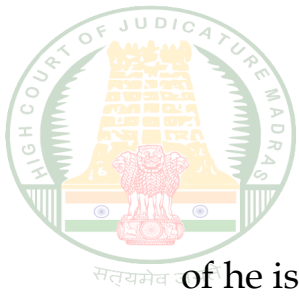
No.22372 of 2024 vide order dated 21.01.2025. Considering the same and also
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considering the period of incarceration and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, 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.1,00,000/- (Rupees One Lakh only) along with two sureties each for a like sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

(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 Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence



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of he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall also not directly or indirectly cause threat to the defacto complainant and witnesses;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

(viii) The petitioner shall appear before the learned Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai daily at 10.30 a.m., and 05.00 p.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, learned the Principal Special Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, 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].



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

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Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE PRINCIPAL SPECIAL JUDGE FOR TRIAL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, TENKASI POLICE STATION, TENKASI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2155 of 2025
Date :26/02/2025

RS/IT/SAR-(26.02.2025) 6P 5C
Madurai Bench of Madras High Court is issuing
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