



CRL OP(MD). No.2346 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Abdul Rahman,
S/o. Jeyapal,
No.4/135,
Kelaithilaiyandal,
Kumbdu Madurai,
Keelakarai,
Ramanathapuram District..

... Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
NIB CID Police Station,
Ramnad District.
(In Crime No. 28 of 2017).

... Respondent/Complainant

For Petitioner : Mr.S.Manojkumar,
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in C.C. No. 83 of 2017 on the file of the Learned Additional District and Sessions Judge/Presiding Officer Special Court for E.C. and NDPS Act, cases Pudukottai in Crime NO. 28 of 2017 on the file of NBICID Police

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.5 was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 07.11.2024. The petitioner is facing trial in C.C.No.83 of 2017 on the file of the learned Additional District and Sessions Judge/Presiding Officer Special Court for E.C. and NDPS Act cases Pudukottai for the offences punishable under Sections 8(c), 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in connection with Crime No.28 of 2017 on the file of the respondent Police.

3. The case of the prosecution is that, in the year 2017, based on secret information, the respondent Police seized 100 kgs of ganja from the petitioner and other accused persons. Hence, the complaint.



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4. Mr.S.Manojkumar, learned counsel appearing for the petitioner, submitted that the petitioner has nothing to do with the alleged offences and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody since 07.11.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, submitted that there is no previous case against the petitioner. He would further submit that the petitioner did not appear before the trial Court and hence, non bailable warrant was issued against the petitioner on 26.02.2024 and the same was executed on 07.11.2024. Hence, he vehemently opposed the grant of bail to the petitioner.

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

7. The petitioner was arrested on 07.11.2024 and he has been in incarceration since 07.11.2024. A perusal of the records reveals the fact that the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. With a view to give one more opportunity 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:



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(i) The petitioner shall execute a **bond for Rs.25,000/-** (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Additional District and Sessions Judge / Presiding Officer Special Court for E.C. and NDPS Act Cases, Pudukkottai, out of which, one surety shall be the blood relative surety;

(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 Additional District and Sessions Judge / Presiding Officer Special Court for E.C. and NDPS Act Cases, Pudukkottai 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 learned Additional District and Sessions Judge / Presiding Officer Special Court for E.C. and NDPS Act Cases, Pudukkottai weekly twice, i.e., on every Monday and Friday at 10.00 a.m., till the conclusion of the trial and the petitioner shall appear before the said Court on all dates when the trial court requires his appearance, without fail;



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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; and

(vi) On breach of any of the aforementioned conditions, the learned Additional District and Sessions Judge / Presiding Officer Special Court for E.C. and NDPS Act Cases, Pudukkottai, 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/-
06/02/2025

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06/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE,/PRESIDING OFFICER,
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE,
NIB CID POLICE STATION,
RAMNAD DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2346 of 2025
Date :06/02/2025

SS/SKN/SAR- /06/02/2025/ 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023