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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.2470 of 2025

Chinnasamy,
S/o.Jeyapandi,
No.76, Kalkulam,
Vellakal, Perungundi,
Madurai District.

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
NIB-CID Police Station,
Trichy District.
(In Cr. No. 17 of 2023).

... Respondent/Complainant

For Petitioner : Mr.M.Dinesh Hari Sudarsan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



WH PRAYER:-Y

For Bail in Crime No.17 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 06.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.3 was arrested and remanded to judicial custody on 06.12.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 of NDPS Act in Crime No.17 of 2023, on the file of the respondent-Police.

3. The case of the prosecution is that on 05.12.2023, at about 08.00 a.m., the defacto complainant, who is the Inspector of Police, along with his police team, was conducting an inspection at the Railway Station. During the inspection, the Police noticed that Accused Nos.1 and 2 were in illegal possession of 20.780 kgs of ganja. The police arrested the accused persons. Based on the confession given by the co-accused persons, the petitioner has been arrayed as Accused No.3 and was subsequently arrested from his vehicle parked outside the Trichy Railway Station, where he was supposed to pick up the other accused persons. Hence, the complaint.



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4. Mr.M.Dinesh Hari Sudarsan, learned counsel appearing for the petitioner, submits that Accused Nos.1 and 2 were arrested with contraband at the Trichy Railway Station. He further submits that, admittedly no contraband was recovered from this petitioner and he was merely an acting driver. He further submits that the petitioner has not committed any offence as alleged by the prosecution. 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, submits that there are four previous cases pending against the petitioner and all are related to the offences punishable under IPC and other laws. He further submits that the investigation has been completed and charge sheet has been filed before the learned Additional District Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Pudukkottai and the same has been taken on file in C.C.No.61 of 2024. He further submits that if bail is granted to the petitioner, he may abscond and thereby cause a delay in the trial proceedings. Hence, he strongly opposes to grant bail to the petitioner.



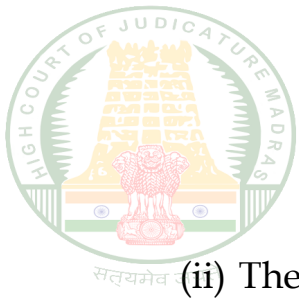
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6. Heard on both sides. This Court has perused the case file.

7. The petitioner has made out a prima facie case. As of now, there is no reasonable ground to believe that the petitioner has committed the offence. To be noted, the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not prejudice the rights of the prosecution to establish its case during the trial.

8. Further to be noted, the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the period of incarceration and 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:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties (out of which one surety shall be the blood relative) each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judge, Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Pudukkottai;



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

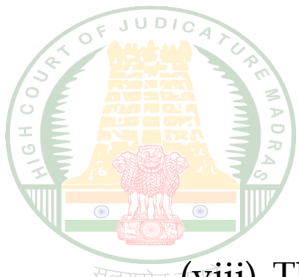
(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence 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 furnish his residential address and mobile number to the learned Judge, Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Pudukkottai;

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



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(viii) The petitioner shall appear and sign before the learned Judge, Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Pudukkottai on all working days at 10.30 a.m., and 05.30 p.m., until further orders and on all hearing dates when the Court requires his appearance; and

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

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

Sd/-
26/02/2025

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27/02/2025
Sub-Assistant Registrar (CS-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal/tsg



TO
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- 1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT CASES,
PUDUKKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE,
NIB-CID POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-2128[I] dated
26/02/2025)

ORDER
IN
CRL OP(MD) No.2470 of 2025
Date :26/02/2025

ES/SAR /27.02.2025/7P/6C

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