



CRL OP(MD). No.2517 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Sakthivel,
S/o. Muthu Thevar,
East Street,
M. Kottarapatti,
Reddiyarchatram,
Dindigul District.

2. Dharmaraj,
S/o. Subbaiah,
No.6-1-1, Alagar Nagar,
Nagalapuram,
Sevkuampatti,
Dindigul District.

... Petitioners/ A1 & A2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
Crime No. 70/2025.

... Respondent/Complainant

For Petitioners : Mr.C.Ezhilarasu, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

For Bail in Crime No.70 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 06.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners were arrested and remanded to judicial custody on 28.01.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.70 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that On 28.01.2025, at about 09:15 a.m., based on the secret information, when the defacto complainant, the Special Sub-Inspector of Police, along with his team, reached the spot, the accused persons were selling ganja to school-going students. On seeing the police, the students fled from the scene. On inspection, it is noticed that the petitioners were found in possession of 100 grams of ganja. The police arrested the accused and seized the ganja from them. Hence, the case was registered.

4. Mr C.Ezhilarasu, learned counsel appearing for the petitioners, submits that

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the petitioners have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. Hence, he prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that there are three previous cases against the first petitioner and there is no previous case against the second petitioner. He further submits that 100 gms of ganja has been recovered from the accused persons in the spot. Hence, he vehemently opposes the grant of bail to the petitioners.

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

7. The petitioners were arrested and they have been in judicial custody since 28.01.2025. On perusing the records, it reveals the fact that the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the fact that the first petitioner has three previous cases and the second petitioner has no previous case and with a view to give one more opportunity to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten



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Thousand Only) to the satisfaction of the learned Judicial Magistrate, Oddanchatram;

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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 Judicial Magistrate, Oddanchatram, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Oddanchatram;

(vii) the petitioners shall appear and sign before the learned Judicial Magistrate, Oddanchatram, on all working days at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate, Oddanchatram 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/-
17/02/2025

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18/02/2025

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

TSG
TO

1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, DINDIGL.

4 THE INSPECTOR OF POLICE,
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI

<https://www.hmc.tn.gov.in/judis>



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ORDER

IN

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Date :17/02/2025

RS/IT/SAR-(18.02.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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