



CRL.OP(MD). No.2925 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2925 of 2025

Prakash

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
PEW- Theni Police Station,
Theni District.
(Crime No.724 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.724 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Arikaran

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.02.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A) and 29(1) of the NDPS Act, 1985, in Crime No.724 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 26.12.2024 at about 21.30 hours, when the respondent-police, was on patrol duty, they found that the A3 was in possession of 150 grams of ganja. On seeing the police, he attempted to escape from the place of occurrence. However, the police apprehended him. Based on his confession, the petitioner and another persons have been arrayed as A1 and A2 in this case. Hence, the case.

4. Mr.M.Arikaran, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are no previous cases against the petitioner. He further submits that the entire contraband was seized from A3 at the place of occurrence. Therefore, he contends that, if the petitioner is



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granted pre-arrest bail, there is possibility of committing similar offences in future.

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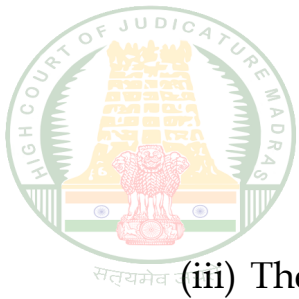
Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. Considering the facts and circumstances of the case and also considering the fact that there are no previous cases against the petitioner and with a view to give an opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Theni, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of 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 Judicial Magistrate, Theni.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.



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(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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.

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

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, 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.

sd/-
17/02/2025

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

PAL
TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
PEW- THENI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M.ARIKARAN, Advocate (SR-1792[I] dated 18/02/2025)

ORDER IN
CRL OP(MD) No.2925 of 2025
Date :17/02/2025

SA/SKN/SAR. /25.02.2025/5P/6C

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