



CRL OP(MD). No.2719 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Vigneshwaran

... Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
Crime No.357/2024.

... Respondent/Complainant

For Petitioner : Mr. Manikandan.K
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.357/2024 on the file of the respondent-Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused No.5 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 8(c) r/w. 20(b) (ii) (B), 25 of NDPS Act and 49 of BNS in Crime No.357 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 06.12.2024 at 8.40 am, on receiving secret information, the respondent - Police conducted a vehicle check up and at that time, they found that the petitioner and other accused persons were illegally found in possession 12 Kgs of Ganja in the vehicle bearing Regn.No.TN 02 BD - 5517. The petitioners A5 and A6 fled from the place. The Police arrested A1 to A5. Hence, the case.

4. Mr.K.Manikandan, the learned counsel for the petitioner, submits that the



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petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. 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.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioner and the investigation of the case is still pending. Hence, 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. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case 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



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in the event of his surrender before the learned Principal District Judge for EC and NDPS Act Cases, Madurai, 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 Principal District Judge for EC and NDPS 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 District Judge for EC and NDPS Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity.

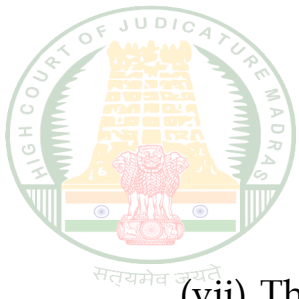
(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 am and 5.00 pm until further orders;

(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 leave India without the previous permission of the

Court.



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(vii) The petitioner shall furnish his residential address and mobile number to the learned Principal District Judge for EC and NDPS Act Cases, Madurai,

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

(x) On breach of any of the aforementioned conditions, the learned Principal District Judge for EC and NDPS Act Cases, Madurai 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].

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

sd/-
18/02/2025

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/02/2025

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

TRP
TO

1 THE PRINCIPAL DISTRICT JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
THIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.



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

+1 CC to M/s.K.MANIKANDAN, Advocate (SR-1785[I] dated 18/02/2025)

ORDER

IN

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Date :18/02/2025

SS/SKN/SAR- /28/02/2025/ 6P/5C

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