



CRL OP (MD) No.2827 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Senthil @ Kasaya Senthil

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.854 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.Ramesh Kumar

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.854 of 2024 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 29.12.2024 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No. 854 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 28.12.2024, at about 11:30 hours, when the defacto complainant, Sub-Inspector of Police, along with his team, was going near the RCC Slab Culvert M-532, Palakattai, they noticed and intercepted a car bearing registration No.TN-68-AK-0888. On enquiry, they found that the petitioner was in illegal and unlawful possession of 2.034 kg of ganja in that car. The petitioner was arrested and remanded into judicial custody on 29.12.2024. Hence the case.



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4. Mr.S.Ramesh Kumar, the learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 29.12.2024. He further submits that, till date, the respondent-police have not filed the Final Report, and hence, the petitioner is entitled to statutory bail. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that the petitioner has 24 previous cases, out of which 21 cases are similar in nature. He further submits that if the petitioner is enlarged on bail, he will abscond and commit the similar offence. He accepts that the respondent-police has not filed Final Report till date. However, he prays to dismiss this Criminal Original Petition.

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

7. Admittedly, the Final Report has not been filed. Hence, the petitioner is



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entitled to statutory bail under Section 187 of Bharatiya Nagarik Suraksha Sanhita
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(BNSS), 2023. Considering the same and also considering the period of incarceration and with a view to give one more opportunity to the petitioner 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Thanjavur;

(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 EC and NDPS Act Cases, Thanjavur 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;



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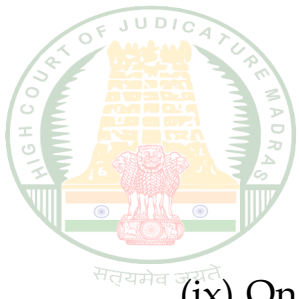
(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(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 Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Thanjavur;

(vii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Thanjavur, on all working days at 10.30 a.m., until further orders;

(viii) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode; and



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(ix) On breach of any of the aforementioned conditions, the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Thanjavur 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/-
03/03/2025

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03/03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE/PRESIDING OFFICER,
SPECIAL COURT FOR EC AND NDPS ACT CASES, THANJAVUR.
- 2 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.



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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-2317[I] dated 03/03/2025)

ORDER

IN

CRL OP(MD) No.2827 of 2025

Date :03/03/2025

SS/SAR- /03/03/2025/ 7P/6C

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