



CRL OP(MD). No.3044 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

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Pew Madurai City Police Station,
Madurai District.
Crime No.16/2025.

... Respondent/Complainant

For Petitioner : Mr.Maruthupandian.M,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.16/2025 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 14.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused rank not known, apprehends arrest at the hands of the respondent-police for the offence punishable under Sections 8(c) r/w. 20(b) (ii) (B), 25 and 29(1) of NDPS Act, 1985 in Crime No.16 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that, based on secret information, on 10.02.2025, at about 05:15 p.m., the defacto complainant, the Sub-Inspector of Police, along with his team, conducted a vehicle check-up near Babu Nagar Junction, Rajanagar, Madurai Thoppakulam. At that time, the police found that A1 was in illegal possession of 450 grams of ganja under the seat of a two-wheeler bearing Registration No.TN-63-BS-3186. The police seized the ganja, the two-wheeler, the cell phone, and cash of Rs.1,500/- from A1. Based on his confession, on the same day, at 08:30 p.m., the police went to S. Kodikulam, Surveyor Colony, K.Pudur, where they



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found that A2 and A3 were in illegal possession of 500 grams of ganja. The police seized their cell phones and ganja. Based on the confessions of A2 and A3, on the following day, 11.02.2025, at about 05:00 am., the police went to Thirumalnagar 7th Street, Virattipathu, where they found that A4 and A5 were also in illegal possession of 500 grams of ganja. The police seized the ganja, a sum of Rs.1,500/-, and a cell phone from them. A1 to A5 were also arrested in this case. Hence, the case.

4. Mr.M.Maruthapandian, 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 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 one previous case is pending against the petitioner, which is similar in nature. He further submits that based on the confession of co-accused, the petitioner herein has been arrayed as accused and no ganja has been recovered from the petitioner and the investigation of the case is still pending. Hence, he prays to dismiss this Criminal Original Petition.



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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. Therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and taking note of the fact that no ganja has been recovered from the petitioner and with a view to give one more 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 District and Sessions Judge / Presiding Officer, Special Court for E.C 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 said learned Sessions Judge.



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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 Sessions Judge 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.

(vii) The petitioner shall furnish his residential address and mobile number to the concerned learned Sessions Judge.



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(ix) The petitioner, shall not directly or indirectly 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 Sessions Judge 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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/03/2025

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

TRP

TO

1 THE DISTRICT AND SESSIONS
JUDGE/PRESIDING OFFICER, SPECIAL COURT FOR
EC AND NDPS ACT CASES, MADURAI.



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2 THE INSPECTOR OF POLICE,
PEW MADURAI CITY POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.M.MARUTHUPANDIAN, Advocate (SR-1829[I] dated 19/02/2025)

ORDER
IN
CRL OP(MD) No.3044 of 2025
Date :18/02/2025

SS/SKN/SAR- /04/03/2025/ 7P/5C

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