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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3233 of 2025

Vinothgurunathan

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
Crime No. 163/2023.

... Respondent/Complainant

For Petitioner : Mr.R.Chandrasekar,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioner on bail in S.C.No.233/2024 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crime No.163/2023 on the file of the respondent-police.

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



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.02.2025 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 03.02.2025 based on the Non- Bailable Warrant issued against the petitioner on 03.10.2024 in S.C.No.233 of 2024 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputur for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii)(A) of NDPS Act, 1985 and Section 77 of Juvenile Justice Act, in Crime No.163 of 2023, on the file of the respondent-police.

3. The case of the prosecution is that on 15.09.2023, at about 12:00 p.m., the petitioner was found in selling the ganja, which was purchased from A2, to the general public, specifically to youngsters below 18 years, at Chinnaperali Village. Hence the case.



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4. Mr.R.Chandrasekar, the learned counsel appearing for the petitioner, submits that initially, the petitioner was regularly appearing before the trial court, but due to his ill health, he was unable to attend the court, and his non-appearance before the trial court was not a willful act. He further submits that the petitioner has been in judicial custody since 03.02.2025. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor submits that due to the non-appearance of the petitioner before the trial court, a non-bailable warrant was issued against him, and based on that, he was arrested and remanded to judicial custody on 03.02.2025. He further submits that the non-appearance during the trial before the trial court would amount to delaying the trial proceedings. Therefore, if the petitioner is released on bail, he may not appear again before the trial court, thereby further delaying the trial proceedings. Hence, he prays to dismiss this Criminal Original Petition.

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



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7. The petitioner was arrested on 03.02.2025 and is still in judicial custody. The petitioner has permanent residence. Therefore, there is a less possibility of absconding. This Court is of the view that, since the petitioner claims that due to his ill-health, he could not appear before the trial court, one more opportunity may be granted to him. Considering the same and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, 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 Principal District and Sessions Judge, Virudhunagar District at Srivilliputur;

(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 and Sessions Judge, Virudhunagar District at Srivilliputur shall obtain a copy of any one of identity proofs to ensure their identity;



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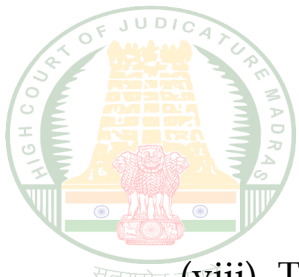
(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of 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 concerned Judicial Magistrate;

(vii) The petitioner shall appear and sign before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputur weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders; Further, the petitioner shall appear before the trial Court on all hearing dates without fail;



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

(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Andipatti, Theni District 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/-
20/02/2025

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20/02/2025
Sub-Assistant Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO
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- 1 THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTUR
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
- 3 THE JUDICIAL MAGISTRATE, ANDIPATTI, THENI DISTRICT.
- 4 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.CHANDRASEKAR, Advocate (SR-1862[I] dated 20/02/2025)

ORDER IN
CRL OP(MD) No.3233 of 2025
Date :20/02/2025

ES/SKN/SAR /20.02.2025/7P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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