



CRL OP(MD). No.3436 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3436 of 2025

S.Chandrasekar

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(Crime No.420 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.Mohamed Ashik Jaman
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.420 of 2024 on the file of the
Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 20.02.2025

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



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grant an order of pre-arrest bail.

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2. The petitioner / accused apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) r/w. 20(b) (ii) (B) of the Narcotics Drugs and Psychotropic Substances Act, 1985 and 4(1) (i) of the Tamil Nadu Prohibition Act, in Crime No. 420 of 2024 on the file of the respondent-police.

3. On 02.08.2024, at about 8.00 a.m., based on the special information, the defacto complainant, Inspector of Police, along with his team, was on surveillance on Valaiyapatti by-pass Road. They found that A1 was in possession of 2.810 kgs of ganja. Based on the confession of A1, the police went to the house of A1 where A2 was found in possession of 1.990 kg of ganja. A1 and A2 were arrested, and ganja and two two-wheelers, which were used for sale of ganja were seized. Based on the confession of co-accused, the petitioner has been arrayed as accused. Hence, the case.

4. Mr.Mohammed Ashik Jaman, 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. Hence, he prays for grant of pre-anticipatory bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundararm, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are three previous cases pending against the petitioner, out of which, two cases are related to the



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offences punishable under the Prohibition Act and one case is related to the offence punishable under Section 399 of IPC. He further submits that the investigation of this case is pending. He further submits that at this stage of investigation, if the pre-arrest bail is granted to the petitioner, he may cause threat to witnesses and tamper with evidence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of offence allegedly committed by the petitioner and considering the fact that the petitioner has permanent residence and therefore, there is less possibility of absconding and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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 Additional District Judge (Special Court dealing with Essential Commodities Act), Thanjavur, 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 Additional District Judge (Special Court dealing with



Essential Commodities Act), Thanjavur.

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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 the learned Additional District Judge (Special Court dealing with Essential Commodities Act), Thanjavur shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) Thereafter, the petitioner shall appear and sign before the respondent-police daily at 10.30 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 furnish his residential address and mobile number to the the learned Additional District Judge (Special Court dealing with Essential Commodities Act), Thanjavur.

(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 not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to



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dissuade him from disclosing such facts to the Court or to any police officer.

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(ix) On breach of any of the aforementioned conditions, the learned Additional District Judge (Special Court dealing with Essential Commodities Act), 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/-

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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 ADDITIONAL DISTRICT JUDGE
(SPECIAL COURT DEALING WITH ESSENTIAL COMMODITIES ACT),
THANJAVUR.

2 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.

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



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+1 CC to M/s.MOHAMED ASHIK JAMAN, Advocate (SR-2048[I] dated 25/02/2025)

ORDER
IN
CRL OP(MD) No.3436 of 2025
Date :24/02/2025

SA/SKN/SAR. /10.03.2025/6P/5C

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