



CRL OP(MD) No.3438 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3438 of 2025

1.Gunasekaran @ Moses

2.Saravanakumar @ Hari

... Petitioners/ Accused Nos.2 & 3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

Crime No.10 of 2025

... Respondent/ Complainant

For Petitioners

: Mr.A.Pooranachandran, Advocate

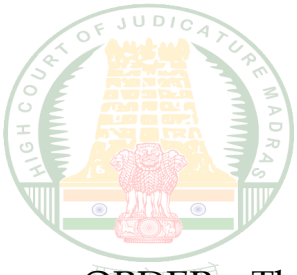
For Respondent

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.10 of 2025 on the file of the respondent-police.



CRL OP(MD) No.3438 of 2025

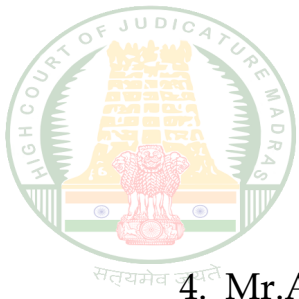
ORDER : The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioners on 20.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/A2 and A3 were arrested and remanded to judicial custody on 13.01.2025 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(A), 22 (c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 13.01.2025, at about 12.40 hours, when the defacto complainant, along with his team, was conducting vehicle check-up near Kodaikanal Naidupuram Welcome Hotel, they found that A1 was in illegal possession of 13 grams of Hasish Oil (Ganja Oil). The police arrested A1. Based on the confession of A1, the respondent-police proceeded near Rev. Raja Cottage, Chinnapalayam, where they found that the petitioners/A2 & A3 were in illegal possession of 140 grams of banned magic mushroom. The police also arrested the petitioners and seized the banned magic mushroom. Hence the case.



CRL OP(MD) No.3438 of 2025

WEB COPY

4. Mr.A.Pooranachandran, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. He further submits that the petitioners have been in judicial custody since 13.01.2025. He further submits that the petitioners have no previous case. He therefore prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that the respondent-police seized 140 grams of magic mushroom from the petitioners and sent the same to FSL for analysis and they also received the report. As per the report, no narcotic or psychotropic substances were found in the sample. Hence, the Investigating Agency filed alteration report before the concerned Judicial Magistrate and the Sections were altered from Sections 8(c), 20(b)(ii)(A), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 to Sections 8(c), 20(b)(ii)(A) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. However, he prays to dismiss this Criminal Original Petition.

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



CRL OP(MD) No.3438 of 2025

WEB COPY

7. The petitioners were arrested on 13.01.2025 and are still in judicial custody.

The petitioners have no previous case. Considering the same and considering nature of offences alleged against the petitioners and taking note of the fact that there is no narcotic or psychotropic substance in the mushroom and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Special Judge, Special Court for 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 Special Judge, Special Court for NDPS Act Cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

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



CRL OP(MD) No.3438 of 2025

WEB COPY

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners 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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Kodaikanal;

(vii) The petitioners shall appear and sign before the learned Judicial Magistrate No.II, Kodaikanal, on all working days at 10.30 a.m., until further orders;

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

(ix) On breach of any of the aforementioned conditions, the learned Special

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



CRL OP(MD) No.3438 of 2025

Judge, Special Court for NDPS Act Cases, Madurai, is entitled to pass appropriate orders against the petitioners 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

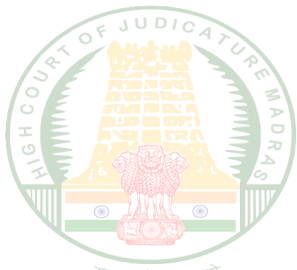
/ TRUE COPY /

04/03/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd

TO

- 1.THE SPECIAL JUDGE, SPECIAL COURT FOR NDPS ACT CASES, MADURAI;
2. THE JUDICIAL MAGISTRATE NO.II, KODAIKANAL
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 4.THE OFFICER-IN-CHARGE,
DISTRICT PRISON, MADURAI.



CRL OP(MD) No.3438 of 2025

5. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.3438 of 2025
Date :03/03/2025

RK/ (04/03/2025) 7P / 7C

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