



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CRL OP (MD) No.3731 of 2025

S.Elangovan,  
S/o. Sangili,  
Manikattu Alamaratheru,  
Vadakkupatti,  
Kumbum,  
Theni District.

... Petitioner/sole Accused

Vs

The State of Tamil Nadu,,  
Rep. by the Inspector of Police,  
NIBCID Theni,  
Theni District.  
Crime No. 93 of 2015).

... Respondent/Complainant

For Petitioner : Mr.K.Prabakaran,

Advocate

For Respondent : Mr.R.Meenakshi Sundaram,

Additional Public Prosecutor



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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on Bail in C.C. No. 298 of 2015 on the file of the I Additional Special Court for Trial of NDPS Act Cases, Madurai in connection with the Crime No.93 of 2015 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 25.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Sole Accused was arrested on the basis of Non Bailable Warrant issued against him on 27.01.2016, which was executed on 05.12.2024. Thereafter, the petitioner was remanded to judicial custody on 05.12.2024. The petitioner is facing trial in C.C.No.298 of 2015 on the file of the I Additional Special Court for Trial of NDPS Act Cases, Madurai for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in connection with Crime No.93 of 2015 on the file of the respondent-police.

3. The case of the prosecution is that on 28.05.2015, at about 03.30 p.m., based on secret information, the Inspector of Police, along with his police team, was



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conducting an inspection near Govinthampatti Bus Stand, Kumbam Main Road, Uthamapalayam. At that time, on seeing the Police, the petitioner herein dropped a bag containing 6 kgs of ganja and fled from the spot. Hence, the complaint.

4. Mr.K.Prabakaran learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that the petitioner has been falsely arrayed as an accused in this case. He further submits that the occurrence took place in the year 2015. He further submits that the petitioner did not receive any summons from the concerned Court, and therefore, he was unaware of the hearing dates. He further submits that the petitioner has been residing in the same place for the past eight years and therefore, he would not abscond. Hence, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the petitioner is the sole accused in this case. He further submits that there is one previous case pending against the petitioner. However, he vehemently opposes to grant bail to the petitioner.

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

7. It is stated that since the petitioner did not receive the summons, he was unaware of the hearing dates and therefore, he did not attend for hearing. Further, the petitioner has permanent residence and deep roots in the society and therefore,



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there is less possibility of absconding. Considering the same and considering the period of incarceration and with a view to give one more opportunity to the petitioner to appear before the trial court, 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.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 I Additional Special Judge, Special Court for trial of 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 I Additional Special Judge, Special Court for trial of NDPS Act Cases, Madurai 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;

(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



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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 I Additional Special Judge, Special Court for trial of NDPS Act Cases, Madurai;

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with the evidence;

(viii) The petitioner shall appear and sign before the learned I Additional Special Judge, Special Court for trial of NDPS Act Cases, Madurai on all working days at 10.30 a.m., until further orders;

(ix) The petitioner shall also appear before the learned I Additional Special Judge, Special Court for trial of NDPS Act Cases, Madurai on all hearing dates whenever the learned Judge requires his appearance; and

(x) On breach of any of the aforementioned conditions, the learned I Additional Special Judge, Special Court for trial of NDPS Act Cases, Madurai 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.

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04/03/2025

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

TSG  
TO

1 THE I ADDITIONAL SPECIAL JUDGE,  
SPECIAL COURT FOR TRIAL OF NDPS ACT CASES, MADURAI.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3 THE OFFICER INCHARGE,  
DISTRICT PRISON, THENI.

4 THE INSPECTOR OF POLICE,  
NIBCID THENI,  
THENI DISTRICT.

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

ORDER  
IN  
CRL OP(MD) No.3731 of 2025  
Date :04/03/2025



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NBF/SAR/ (04/03/2025) 7P/6C

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