



CRL OP(MD). No.3671 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3671 of 2025

Jeyasekar

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.676 of 2024

... Respondent/Complainant

For Petitioner : Mr.P.Saravanakumar

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

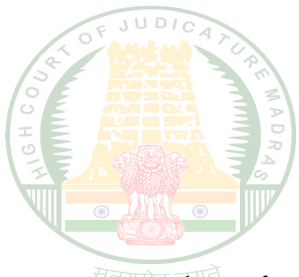
C-33AB. For Anticipatory Bail in Crime No.676 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.02.2025

under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant

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



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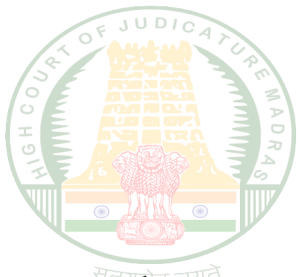
an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 8(c), 20(b)(ii)(A), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.676 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 22.11.2024, at about 11.45 a.m., the respondent-Police went to the location near the Government School at Thiruvithancode, when four persons sitting there, attempted to escape on seeing the Police. However, the Police managed to apprehend three persons. On search, they found that the accused persons were in illegal possession of 19 gms of Ganja. The contraband was seized by the respondent-Police from them. Hence the case.

4. Mr.P.Saravanakumar, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was not present in the scene of occurrence and that no contraband was recovered from the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail



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to the petitioner.

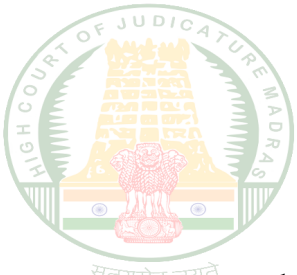
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that this is second pre-arrest bail application of the petitioner, and that there are no changes in circumstances. He further submits that the petitioner has no previous case. He further submits that the petitioner / A4 supplied ganja to A1 to A3 and therefore, if pre-arrest bail is granted to the petitioner, he will commit similar offence and supply Ganja to others. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Considering the above and considering nature of the offences alleged against the petitioner and the fact that the total contraband involved in the preset Crime Number is only 19 grams and taking note of the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Padmanabapuram, within a period of 15 days from the date on which the order



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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 Judicial Magistrate No.I, Padmanabapuram. Among two sureties, one shall be a blood surety;

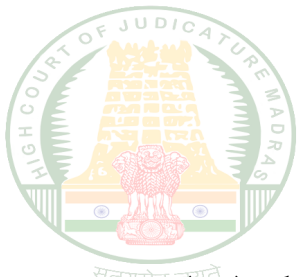
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;



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(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Padmanabapuram;

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

(ix) On breach of any of the aforementioned conditions, concerned Magistrate, 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 them 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/-

26/02/2025

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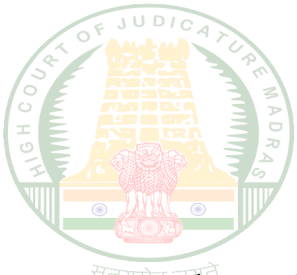
Sub Assistant Registrar
(CS- I/ II / III / IV)

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TO

1.The Judicial Magistrate No.I,
Padmanabapuram.

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



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2.Do Through

The Chief Judicial Magistrate,
Kanyakumari @ Nagercoil.

3.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Date : 26.02.2025

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