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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).3636 of 2025

A.Kumar @ Meen Kumar

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Sub-Inspector of Police,
Eraniel Police Station,
Eraniel, Kanniyakumari District.
(Crime No.93 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.93 of 2025 on the file of the respondent-police.

For Petitioner : Mr.G.Aravinthan, Advocate
for M/s.Aran Legal Consultancy

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on

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



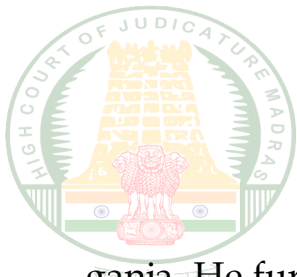
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09.02.2025 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(A), 25 of NDPS Act read with Section 123 of BNS, 2023, in Crime No.93 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 09.02.2025, at about 10:00 a.m., when the respondent-police were on surveillance near Mankuzhi, Attinkarai Bridge, they found that the petitioner(A1), who was on a two-wheeler bearing Reg. No. TN-75-V-9867, was selling 3 packets of ganja, each containing 10 grams to the other accused persons. The police arrested him. On searching his two-wheeler, the police found that the petitioner was in possession of 300 grams of ganja apart from the above 30 grams of ganja. Hence, the present case.

4. Mr.G.Aravinthan, 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. He further submits that the petitioner has been in judicial custody since 09.02.2025. He, however, submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A1. He further submits that the respondent-police seized 320 grams of



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ganja. He further submits that there are 8 previous cases against the petitioner, out of which one case is similar in nature. Therefore, he vehemently opposes to grant bail to the petitioner, by stating that if bail is granted, the petitioner may cause delay to the trial proceedings and tamper with the evidence. Accordingly, he prays to dismiss the petition.

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

7. The petitioner was arrested and has been in incarceration since 09.02.2025. The petitioner has permanent residence. Therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and taking into account of the fact that the seized contraband is a small quantity and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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 Judicial Magistrate, Eraniel, Kanniyakumari District.

(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, Eraniel, Kanniyakumari District, shall obtain a copy of any one of identity proofs to ensure their identity.

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(iii) The petitioner shall appear and sign before the learned Judicial Magistrate, Eraniel, Kanniyakumari District, on all working days at 10.30 a.m. until further orders.

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

(v) 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.

(vi) 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.

(vii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant and the witnesses.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Eraniel, Kanniyakumari District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Eraniel, Kanniyakumari District or Trial Court is entitled to pass



appropriate orders against the petitioner in accordance with law as if the
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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/-
26/02/2025

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26/02/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE SUB-INSPECTOR OF POLICE, ERANIEL POLICE STATION,
ERANIEL, KANNIYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1 CC to M/S.ARAN LEGAL CONSULTANCY, Advocate (SR-2157[I] dated
26/02/2025)



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ORDER

IN

CRL OP(MD) No.3636 of 2025

Date :26/02/2025

RS/IT/SAR-(26.02.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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