



CRL OP (MD) No.3966 of 2025

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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.3966 of 2025

Karthick

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Cumbum-North Police Station,
Theni District.
Crime No.31 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.31 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 30.01.2025 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) and 25 of Narcotic Drugs and Psychotropic Substance Act, 1985, in Crime No.31 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 30.01.2025, at 10.00 a.m, when the defacto complainant, along with his team, was conducting vehicle check-up at Cumbum K.K.Patti Road, they found that the petitioner and other accused persons were in illegal possession of 6 kgs of ganja in two two-wheelers, bearing registration Nos.TN-60-BX-3376 and TN-65-Z-3577. Hence the case.

4. Mr.R.L.Dhilipan Pandian, the learned counsel appearing for the petitioner



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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 falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 30.01.2025. He further submits that the petitioner, due to intestinal problem, is admitted in the Government Rajaji Hospital, Madurai, by the jail authorities. . He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that the petitioner have five previous cases, out of which three cases are related to the offences punishable under Prohibition Act and two cases are related to the offences punishable under IPC. He further submits that the police seized 1.5 kgs of ganja from this petitioner alone. He admits that the Jail Authorities admitted the petitioner in Government Rajaji Hospital, Madurai for treatment of intestinal problem. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 30.01.2025 and has been in judicial custody. It



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is stated that the petitioner is taking treatment in Government Rajaji Hospital, Madurai. Considering the same and also considering the nature of offences alleged against the petitioner and with a view to give one more opportunity to the petitioner, 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 Additional District Judge, Principal 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 Additional District Judge, Principal Special Court for 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;



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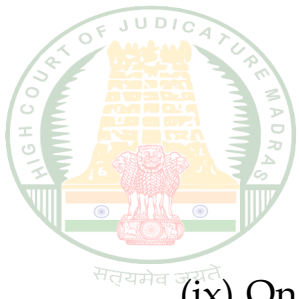
(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat 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 Additional District Judge, Principal Special Court for NDPS Act Cases, Madurai;

(vii) The petitioner shall appear and sign before the learned Judicial Magistrate, Uthamapalayam, Theni, on all working days, at 10.30 a.m., from the next date of discharge from the hospital until further orders;

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



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(ix) On breach of any of the aforementioned conditions, the learned Additional District Judge, Principal Special Court for 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.

sd/-
03/03/2025

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03/03/2025

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

APD
TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
PRINCIPAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, THENI.



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

COPY TO:
THE JUDICIAL MAGISTRATE
THENI.

ORDER
IN
CRL OP(MD) No.3966 of 2025
Date :03/03/2025

SS/SAR- /03/03/2025/ 7P/6C

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