

CRL.OP(MD). No.4118 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4118 of 2025

Rajkumar @ Ezharai Arasu ... Petitioner / Accused No.6

Vs.

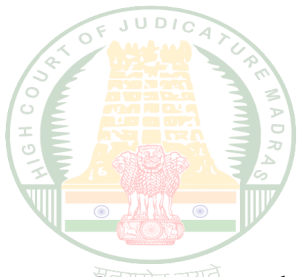
The State of Tamil Nadu rep by
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No.258 of 2024)

... 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.258 of 2024 on the file of the respondent police.

For Petitioner : Mr.Krishnasamy Chinnasamy,
Advocate

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



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 03.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioner/A6 was arrested and remanded to judicial custody on 20.12.2024 for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.258 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 07.12.2024, at about 14:45 hours, based on secret information, when the respondent-police, reached Thailanthoppu near Veeran Kovil, they found the petitioner and four others. On seeing the police, two of them escaped. On investigation, the police found that the accused persons were in illegal possession of 21 kgs 250 grams of Ganja. The police arrested them and seized the Ganja. Hence the case.

4. Mr.Krishnasamy Chinnasamy, 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 and he has been falsely implicated in this case. He further submits that investigation has been completed in this case but the petitioner has been in incarceration since 20.12.2024. He, however, submits that the



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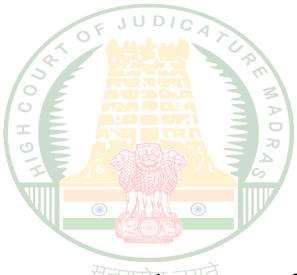
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petitioner is also ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor, appearing for the respondent-police, submits that the petitioner and other accused persons jointly contributed Rs.70,000/- and purchased Ganja from Andhra Pradesh and attempted to sell the same in Tamil Nadu. He submits that based on the confession statement given by the accused no.1, the petitioner has been arrayed as an accused in this case. Investigation revealed the involvement of the petitioner in the present Crime Number. He further submits that investigation is not yet completed. Hence, he prays to dismiss this Criminal Original Petition.

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

7. This is the second bail application filed by the petitioner. The earlier bail application filed by the petitioner was dismissed on merits by this Court in Crl.OP (MD).No.508 of 2025 on 10.02.2025. Thereafter, the present petition has been filed. When this case is taken up for hearing today, this Court specifically put a question to the learned counsel for the petitioner to state about the alleged change in circumstances. However, the learned counsel submitted that investigation has been completed. Per contra, the learned Additional Public Prosecutor, on instructions, submitted that investigation has not been completed. Hence, it is clear that there is



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no change of circumstances in this petition. Therefore, this Court is of the view that successive bail application without any change in circumstances is not maintainable.

Accordingly, this Criminal Original Petition is dismissed.

sd/-
20.03.2025

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

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To

- 1.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
- 2.The Superintendent,
Central Prison,
Cuddalore.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.4118 of 2025
20.03.2025

SL(01.04.2025)/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

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