



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD)No.4095 of 2025

Akash Kannan

... Petitioner/Rank not known

Vs.

The state of Tamil Nadu,
rep. by The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.61 of 2025

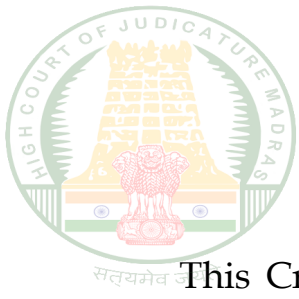
... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.61 of 2025 on the file of the respondent-police.

For Petitioner : Mr.R.Senthilkumar
Advocate

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

ORDER : The Court made the following order :-
<https://www.jhnc.tn.gov.in/judis>



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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 pre-arrest bail.

2. The petitioner/rank not known apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 8(c), 20(b)(ii)(A) of NDPS Act and Section 77 of Juvenile Justice Act, 2015, in Crime No.61 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 31.01.2025, based on the secret information, when the police officials conducted a raid, they found that A1(Rajesh) and the petitioner were in possession of 25 grams of ganja. The police arrested A1 and seized ganja. The petitioner escaped from the scene of occurrence. Hence, the case.

4. Ms.R.Senthilkumar, 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 however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the petitioner is purchasing ganja and selling ganja to the school-going students. He further submits that there are no previous



cases against the petitioner. However, he vehemently opposes to grant pre-arrest bail to the petitioner.

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

7. The petitioner has permanent residence and hence, there is less possibility of absconding. The petitioner has no previous case. Considering the same, and also considering the facts and circumstances of the case and the age of the petitioner, 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 Court-I, Sivagangai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties (one surety should be the parents of the petitioner) each for a like sum of Rs.10,000/- (Rupees Ten Thousand only), to the satisfaction of the learned Judicial Magistrate Court-I, Sivagangai;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police on every Sunday at 10.00 a.m., until further orders;

(iii) 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;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate Court-I, Sivagangai;

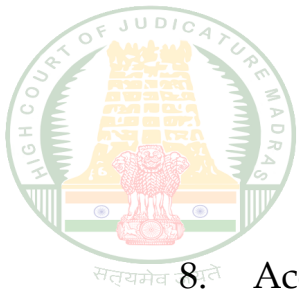
(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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;

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

(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, the learned Judicial Magistrate Court-I, Sivagangai, 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 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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/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE COURT-I, SIVAGANGAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
 - 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-2457[I] dated 06/03/2025)

ORDER
IN
CRL OP(MD) No.4095 of 2025
Date :05/03/2025

NBF / SKN /SAR- (17/03/2025) 5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023