



CRL OP(MD). No.4224 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4224 of 2025

Aby John

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Thuckalay Police Station,
Kanyakumari District,.
Crime No.367/2024.

... Respondent/ Complainant

For Petitioner : Mr. J. Vishnu
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.367/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.4224 of 2025

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This Criminal Original Petition has been filed by the petitioner on 04.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused No.1 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 20(b)(ii)(B), 25, 29(1) and 8(c) of NDPS Act, in Crime No.367 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on receiving a secret information on 29.06.2024, at about 11.30 pm, the respondent-Police conducted a vehicle check up near Thiruvithankodu at Moondrumukku and at the time, an auto bearing Regn.No.TNTSA 12625 arrived where the other accused persons were found in possession of 2 Kgs of Ganja. On enquiry, they informed that they have purchased the Ganja for sale from the petitioner herein. Hence, the case.

4. Mr.J.Vishnu, 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 however



CRL OP(MD). No.4224 of 2025

submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Government Pleader appearing for the respondent-police, submits that based on the confession of co-accused the petitioner herein is arrayed as accused and that there is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the fact that no contraband has been recovered from the petitioner and that he is a first offender, this Court is of the considered opinion that the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of



CRL OP(MD). No.4224 of 2025

offences allegedly committed by 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.

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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Principal EC and NDPS Judge, Madurai, 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.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 Principal EC and NDPS Judge, 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 Principal EC and NDPS Judge, Madurai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent – Police daily at 10.00 am until further orders.



CRL OP(MD). No.4224 of 2025

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

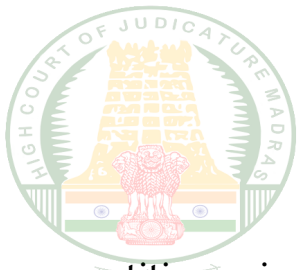
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the witnesses and shall also not tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Principal EC and NDPS Judge, Madurai.

(ix) On breach of any of the aforementioned conditions, learned Principal EC and NDPS Judge, Madurai is entitled to pass appropriate orders against the



CRL OP(MD). No.4224 of 2025

petitioner in accordance with law as if the aforementioned conditions are imposed
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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/-
09/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Principal EC and NDPS Judge, Madurai,
2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District,.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD). No.4224 of 2025

+1 CC to M/s.J.VISHNU, Advocate (SR-4201[I] dated 15/04/2025)

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ORDER

IN

CRL OP(MD) No.4224 of 2025

Date :09/04/2025

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