



CRL OP (MD) No.4704 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4704 of 2025

Ratheesh

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.91 of 2025

... Respondent/Complainant

For Petitioner : Mr.L.George Paul Anto
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

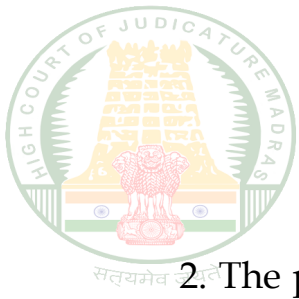
PRAYER :- For bail in Crime No.91 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 11.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

grant bail

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



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2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 08.02.2025 for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.91 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 08.02.2025, at 12.00 p.m, when the defacto complainant, along with his team, was on surveillance near Kandanvilai Simitherivillai Ground, they found that the petitioner along with the other accused persons were selling ganja. On enquiry, the respondent-police found that the petitioner, along with other accused person, was in illegal possession of 80 grams of ganja. The respondent-police seized the ganja and arrested the petitioner and other accused person/A2. Hence the case.

4. Mr.L.George Paul Anto, the learned counsel appearing for the petitioner, submits that the petitioner is 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 08.02.2025, and that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public



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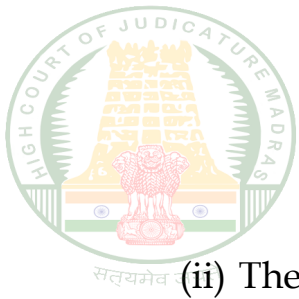
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Prosecutor appearing for the respondent-police, submits that the petitioner, along with other accused persons, was in possession of 80 grams of ganja with the intention of selling it. He further submits that the petitioner has no previous case. He also submits that if the petitioner is enlarged on bail, he may commit similar offences and endanger the public, particularly school-going students. Accordingly, 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 08.02.2025 and has been in judicial custody. The petitioner has no previous case. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same, and also considering the nature of offences alleged against the petitioner and the period of incarceration, and with a view to give an opportunity to the petitioner to reform himself, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Eraniel, Kanyakumari;



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(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, Kanyakumari shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Eraniel, Kanyakumari;

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

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

(vi) 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;

(vii) 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;

(viii) The petitioner shall also not directly or indirectly cause any threat to the witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate, Eraniel, Kanyakumari 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/-
13/03/2025

/ TRUE COPY /

14/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

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

3 THE OFFICER INCHARGE,
DISTRICT PRISON,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

MADURAI

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



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WEB COPY +1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-2772[I] dated 13/03/2025)

ORDER
IN
CRL OP(MD) No.4704 of 2025
Date :13/03/2025

SA/SAR. /14.03.2025/6P/7C

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