



CRL OP(MD). No.4711 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 13/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Prakash,  
S/o.Raman, Eluppakulam,  
Maruthankudi Post,  
Madurai District.  
Temporarily Residing At  
1/94, Pasumpon Street,  
Sevarakottai,  
Kallikudi Taluk,

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
Thirumangalam Taluk Police Station,  
Madurai District.  
Crime No.202 of 2024

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,  
Advocate.

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

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



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.202 of 2024 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 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioner / Accused No.3 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 8(C) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985 in Crime No.202 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 21.10.2024, at about 12.10 p.m., based on the secret information received by the Inspector of Police, a police team conducted an inspection near Thirali river bridge. During the inspection, they found that three Accused persons were travelling in a two-wheeler and the respondent-Police intercepted the vehicle. On seeing the Police, the petitioner / Accused No.3 fled away from the spot and the respondent-Police found that Accused Nos.2 and 3 were in illegal possession of 4 kgs of ganja. The respondent-police seized the contraband



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and the alleged vehicle and arrested Accused Nos.1 and 2. The petitioner herein has been arrayed as Accused No.3 in this case. Hence, the case.

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4. Mr.M.Jegadeesh Pandian, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court, and co-operate with the investigation. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the respondent-Police seized 4 kgs of ganja from Accused Nos.1 and 2 on the spot. He further submits that on seeing the Police, the petitioner herein fled away from the spot, and the respondent-Police seized the contraband and the alleged vehicle and arrested Accused Nos.1 and 2. He further submits that if pre-arrest bail is granted to the petitioner, he may abscond and thereby, cause delay to the investigation. He further submits that there are three previous cases pending against the petitioner, out of which, one case is under the NDPS offences and two cases under the Arms Act. Hence, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner has permanent residence and deep roots in the society and



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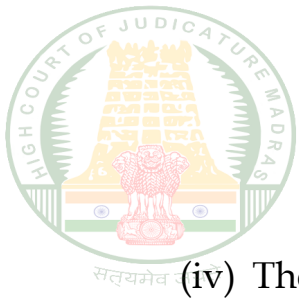
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therefore, there is less possibility for absconding. Considering the same and also considering the fact that though the FIR was registered in the year 2024, the respondent-Police has not taken any steps to secure the petitioner till now and hence, with a view to give one more 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Principal Special Court for NDPS Act Cases, Madurai within a period of 15 days from 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 Special Judge 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 Principal Special Judge for NDPS Act Cases, 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 a.m., until further orders;



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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 defacto complainant and shall not tamper the evidence;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Judge for NDPS Act Cases, Madurai; and

(ix) On breach of any of the aforementioned conditions, the learned Principal Special Judge for NDPS Act Cases, Madurai 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



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conditions stated supra.

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/04/2025

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

TSG  
TO

1 THE JUDGE  
THE PRINCIPAL SPECIAL COURT FOR NDPS ACT CASES,  
MADURAI.

2 THE INSPECTOR OF POLICE,  
THIRUMANGALAM TALUK POLICE STATION,  
MADURAI DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate ( SR-2916[I] dated 17/03/2025 )

ORDER  
IN

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Date :13/03/2025

HPS/SAR / 02.04.2025/6P/5C

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