



CRL OP (MD) No.4807 of 2025

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

Date : 21.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4807 of 2025

Elangovan

... Petitioner/ Accused No.2

Vs.

The State of Tamil Nadu
Rep. by the Superintendent of Customs,
No.66, Beach Road,
Customs Division,
Thoothukudi.
(O.R.No.01/2018-2019-DPU-TTN)

... Respondent/ Complainant

For Petitioner : Mr.S.Muniyandi
Advocate

For Respondent : Mr.Arul Vadivel Sekar,
Special Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioner on bail in C.C.No.14 of 2021 on the file of II Additional Special Court for NDPS Act Cases, Madurai in connection with O.R.No.01/2018-2019-DPI-TTN on the file of the respondent.



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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/A2 was arrested and remanded to judicial custody on 01.03.2024 for the alleged offences punishable under Sections 8(c) read with 20(b)(ii) (C), 23(C), 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 in O.R.No.01/2018-2019-DPI-TTN on the file of the respondent.

3. The case of the prosecution is that based on secret information, the respondent conducted raid at Tharuvaikulam Village, Thoothukudi District and found that A1 and A3 illegally transported 104.390 kg of Ganja from Andhra Pradesh to Srilanka. Based on the confession of A1 and A3, the petitioner has been arrayed as an accused in this case. Hence the case.

4. Mr.S.Muniyandi, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 01.03.2024. He further submits that the petitioner has no previous case. He however submits that the petitioner is ready to abide by any condition to be imposed by this Court. He therefore prays to grant bail to the



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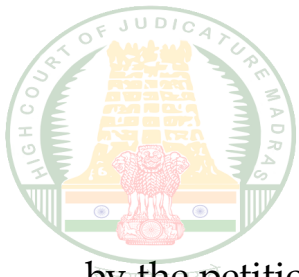
petitioner.

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5. Per contra, Mr.Arul Vadivel Sekar, learned Special Public Prosecutor appearing for the respondent, submits that A1 has already been arrested and is still in prison. He further submits that the charge sheet has been filed by the petitioner and the same was taken on file by the file of the II Additional Special Court for NDPS Act Cases, Madurai as C.C.No.14 of 2021 and the case is now posted on 22.04.2025 for trial. He therefore submits that if bail is granted to the petitioner at this stage, the petitioner may cause threat to the witnesses, tamper the evidence, abscond and delay the further trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 01.03.2024 and has been in judicial custody since then. The petitioner was arrayed as an accused only based on the confession given by A1 and A3. Except confession statement of the co-accused, there are no sufficient materials available on record to connect the petitioner with crime. To be noted, the above view is recorded only for the purpose of deciding the bail petition. The above view, in any way, would not cause any prejudice to the rights of the prosecution in establishing the case during the trial. Further, the case is now posted to 22.04.2025 for trial. In view of the above and the period of incarceration suffered



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by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same 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.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 II Additional 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 II Additional 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 furnish his residential address and mobile number to the learned II Additional Special Judge for NDPS Act Cases, Madurai;

(iv) The petitioner shall appear and sign before the learned II Additional Special Judge for NDPS Act Cases, Madurai on all working days at 10.30 a.m., until



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further orders;

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(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; and

(viii) On breach of any of the aforementioned conditions, the learned II Additional Special Judge for NDPS Act Cases, Madurai 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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sd/-
21/04/2025

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

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To

1.The Judge, II Additional Special Judge for NDPS Act Cases,
Madurai.

2.The Superintendent of Prison,
Central Prison, Madurai.

3.The Superintendent of Customs,
No.66, Beach Road,
Customs Division,
Thoothukudi.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-4428[I] dated 21/04/2025)



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ORDER
IN
CRL OP(MD) No.4807 of 2025
Date :21/04/2025

MK/SAR /22.04.2025 7P/6C

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