



CRL.OP(MD). No.4825 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4825 of 2025

S.Prabakaran

... Petitioner/ A1

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Theni PEW, Theni.
Crime No.717 of 2024

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner / A1 on bail in the event of his arrest in Crime No.717 of 2024 pending investigation on the file of the respondent- Police.

For Petitioner : Mr.M.P.Vasandharam

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.03.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Section 8(c) read with Sections 20(b)(ii)(B) and 29(1) of NDPS Act, 1985, in Crime No.717 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 09.11.2024 at about 11.30 hours, based on the secret information, the respondent-police were on surveillance. At that time, they notice that the petitioner along with another accused, namely, Kannadasan were standing in front of his house. On seeing the police officials, the petitioner escaped from the scene of occurrence. Thereafter, the police officials caught the said Kannadhasan and found that he was in possession of 1.100kgs of Ganja. The same was recovered from him. Based on the confession of the said Kannadhasan, the petitioner has been arrayed as A1. Hence, the complaint.

4. Mr.M.P.Vasandharam, 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. He further submits that the petitioner 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. He further submits that co-accused person/ A2 was arrested and released on bail and that the custodial interrogation of the



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petitioner may therefore not be necessary. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police submits that there are totally two accused persons in this case and that the petitioner/A1 and A2 were found in possession of contraband. He further submits that A2 was arrested in front of the petitioner's house and later, was enlarged bail and that the petitioner escaped from the scene of occurrence and his name was found in the FIR. He further submits that as per the confession of the co-accused, the petitioner purchased contraband from Andrapradesh and distribute the same to others and that the petitioner has one previous case, which is similar in nature and pending, and therefore, if pre-arrest bail is granted to the petitioner, he will tamper with the evidence and commit similar offence. Hence, he strongly opposes to grant pre-arrest bail to the petitioner.

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

7. In view of the facts and circumstances of the case, the nature of the offence, and the statement of co-accused person/A2, this Court is of the opinion that custodial interrogation of the petitioner is necessary to unearth the truth. Further, the petitioner has one previous case, which is similar in nature. Considering the cumulative circumstances, this Court is not inclined to grant pre-arrest bail to the



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petitioner. Accordingly, this Criminal Original Petition is dismissed.

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

rmk
TO

1 THE INSPECTOR OF POLICE,
THENI PEW,
THENI.

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

ORDER
IN

CRL OP(MD) No.4825 of 2025

Date :17/03/2025

HPS/SAR / 09.04.2025/4P/3C

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