

CRL.OP (MD) No.5350 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2025

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THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.5350 of 2025

S.Murugan @ Pulimurugan,
S/o.Subramanian

... Petitioner / Accused No.9

Vs.

The State of Tamil Nadu rep by,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.582 of 2023)

... Respondent / Complainant

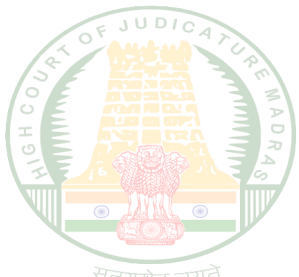
PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in C.C.No.170 of 2024 pending on the file of the I Additional Special Court for Trial of EC and NDPS Act Cases, Madurai in connection with Crime No.582 of 2023 on the file of the respondent-police.

For Petitioner : Mr.A.Arputharaj,
Advocate.

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 20.03.2025



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under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in C.C.No.170 of 2024 pending on the file of the I Additional Special Court for Trial of EC and NDPS Act Cases, Madurai, in connection with the Crime No.582 of 2023 on the file of the respondent-police.

2. The petitioner / Accused No.9 was arrested and remanded to judicial custody on 05.02.2024 for the alleged offences punishable under Sections 8(c) and 20 (b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.582 of 2023 on the file of the respondent-police. After the investigation, the charge sheet has been filed and the same was taken on file by the learned I Additional Special Court for Trial of NDPS Act Cases, Madurai in C.C.No.170 of 2024.

3. The case of the prosecution is that based on secret information, on 29.12.2023 at about 05:30 hours, when the Sub Inspector of Police, Tenkasi Police Station, along with his team, was on patrol duty near Ayyapuram Junction, they found that A1 to A5 were in possession of 22 kgs of ganja in a four-wheeler bearing Registration No.TN-96-F-7778. The police arrested A1 to A5 and seized the vehicle and ganja. Hence, the case. There are totally 11 accused persons in this case. Based on the confession of co-accused persons, the petitioner has been arrayed as Accused No.9.

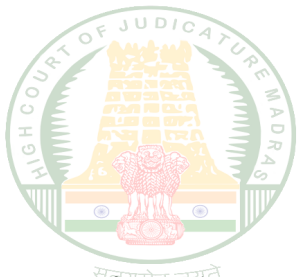


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4. Mr.A.Arputharaj, the learned counsel appearing for the petitioner, submitted that the petitioner herein was not present at the scene of occurrence. He further submitted that only based on the confession of co-accused persons, he has been falsely roped in this case and he has no knowledge/idea about the other accused persons. He further submits that the petitioner has been in judicial custody since 05.02.2024 and that this Court has already granted bail to Accused Nos.6 and 7 in Crl.O.P.(MD).Nos.22372 of 2024 and 2155 of 2025 on 21.01.2025 and 26.02.2025 respectively. He therefore prayed to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submitted that the case was registered on 29.12.2023, and the charge sheet was filed on 20.06.2024 and taken on file in C.C.No.170 of 2024. He further submitted that this is a case of smuggling of Narcotic Drugs. Additional documents were filed before the Trial Court on 13.02.2025 in Crl.M.P. No. 545 of 2025 (E-Filing No.TNMD050005532025), including the Call Detail Records (CDRs) of all eleven accused persons along with the statement of the Nodal Officer. At this juncture, if the petitioner is enlarged on bail, there is every likelihood of his absconding. Moreover, releasing the petitioner on bail may lead to tampering



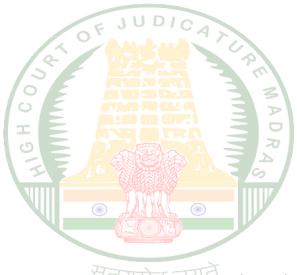
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of evidence and may also stall the progress of the trial. Therefore, he vehemently opposed to grant bail to the petitioner, stating that if bail is granted, the petitioner may abscond and thereby delay the trial proceedings. Accordingly, he prayed to dismiss the petition.

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

7. Admittedly, no contraband was seized from the petitioner. The petitioner was arrayed as an accused based on the confession allegedly given by the co-accused persons. The petitioner was arrested and remanded to judicial custody on 05.02.2024. The petitioner has permanent residence and therefore, there is less possibility of absconding. This Court has already granted bail to Accused No.6 and 7 in CrI.O.P. (MD).Nos.22372 of 2024 and 2155 of 2025 on 21.01.2025 and 26.02.2025 respectively. No contraband was seized / recovered from the petitioner. Further materials available on record would not establish the involvement of the petitioner with the crime. Hence, this Court is of the view that the petitioner has wriggled out of the rigors of Section 37 of NDPS Act. To be noted, the aforesaid view is recorded only for the limited purpose of deciding this bail application alone and the same would not cause prejudice to the prosecution to establish its case during trial. Considering the



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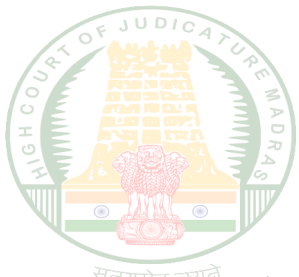
same and also considering the period of incarceration and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(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 I Additional Special Court for Trial of 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 I Additional Special Court for Trial of NDPS Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 2023.

(iv) 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.



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(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 or tamper with the evidence.

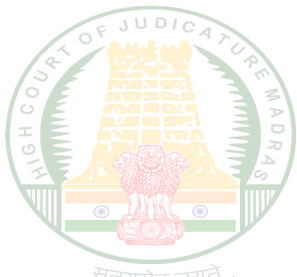
(vi) The petitioner shall appear and sign before the learned Judge, I Additional Special Court for Trial of NDPS Act Cases, Madurai on all working days at 10.30 a.m. and 05.00 p.m. until further orders.

(vii) The petitioner shall not leave Tamil Nadu without prior permission of the Trial Court.

(viii) The petitioner shall appear on all hearing dates and co-operate with the Trial Court for speedy disposal of the case.

(ix) The petitioner shall furnish his residential address and mobile number to the I Additional Special Court for Trial of NDPS Act Cases, Madurai.

(x) On breach of any of the aforementioned conditions, the I Additional Special Court for Trial of NDPS Act Cases, Madurai is entitled to pass appropriate orders



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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/-
08/05/2025

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09/05/2025
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 I ADDITIONAL SPECIAL JUDGE
FOR TRIAL OF NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI

3 THE OFFICER INCHARGE
DISTRICT PRISON, PERURANI, THOOTHUKUDI.

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



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ORDER
IN
CRL OP(MD) No.5350 of 2025
Date :08/05/2025

SS/SAR- /09/05/2025/ 8P/5C

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