



CRL OP (MD) No.5058 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Muthu,
S/o. Perumal,
Thevar Street,
Vaithiyalingapuram,
Padikasuvaithanpatti,
Vanniyapatti(Post),
Srivilliputtur,
Virudhunagar District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Krishnan Kovil Police Station,
Virudhunagar District.
(Crime No. 52 of 2025)

... Respondent/Complainant

For Petitioner : Mr.D.Ramki, Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

For Bail in Crime No.52 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 17.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 24.02.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) of the NDPS Act, 1985 r/w Section 77 of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 in Crime No.52 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 24.02.2025, at about 01.00 p.m., based on secret information, the defacto complainant, the Sub-Inspector of Police, along with a police team, conducted an inspection at Krishnankovil near Kalasalingam College. During the inspection, the police found that the petitioner and another one accused person were standing on that place with a bag. On seeing the police party, they attempted to escape from that place. However, the respondent-police apprehended them. On search of the bag, the respondent-police found that the accused persons were in illegal possession of 60 grams of ganja. Thereafter, the respondent-police arrested the accused persons and seized the contraband from them. Hence, the case.

4. Mr.D.Ramki, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 24.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner



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is the sole breadwinner of his family. Therefore, he prays for granting bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that there is one previous case pending against the petitioner. He further submits that the petitioner and the Accused No.1 are relatives and that they had been purchasing the contraband from Theni and selling to the public and school-going students. He further submits that the alleged contraband has been recovered from the accused persons at the spot. He further submits that if bail is granted to the petitioner, he may abscond and thereby cause a delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was arrested on 24.02.2025 and has been in judicial custody since then. The petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same and also considering the period of incarceration and the fact that the alleged contraband, which is admittedly a small quantity, has been recovered from the petitioner and other accused person, 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, however,



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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 No.II, Srivilliputhur;

(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 No.II, Srivilliputhur, 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 No.II, Srivilliputhur;

(iv) The petitioner shall appear and sign before the (*)Judicial Magistrate No.II, Srivilliputhur, on all working days, at 10.30 a.m., and 05.00 p.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 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



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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 not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, learned (*)Judicial Magistrate No.II, Srivilliputhur, 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/-
26/03/2025

(*)Corrected as per Order of the Court
dt.28/03/2025 in CrI.OP(MD).5058/2025.

/ TRUE COPY /

28/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO BE SUBSTITUTED WITH THE ORDER DT.26/03/2025 IS ALREADY
DESPATCHED
TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE OFFICER INCHARGE, SUB JAIL, MADURAI.

5 THE INSPECTOR OF POLICE, KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.RAMKI, Advocate (SR-3492[I] dated 26/03/2025)

ORDER IN
CRL OP(MD) No.5058 of 2025
Date :26/03/2025

RS/IT/SAR-(26.03.2025) 6P 6C

TSG

SA/SAR. /28.03.2025/6P/8C

Madurai Bench of Madras High Court is issuing
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