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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

CRL OP(MD). No.5055 of 2025

A.Ananthakumar,
S/o.Aji,
Elavunkal Erumely Post,
Kottayam,
Karala State.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No.118/2025

... Respondent/Complainant

For Petitioner : Mr.Manimaran.NA,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.118 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

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



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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 grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 24.02.2025 for the offences punishable under Sections 8(c) r/w 21(a) and 25 of NDPS Act, 1985 and Section 123 of BNS, 2023 in Crime No.118 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 24.02.2025, at about 01.45 p.m., based on secret information, the defacto complainant, the Sub-Inspector of Police, along with a police team, conducted a vehicle check-up near Olunkeenaseri, close to Apada Market, Nagercoil. At that time, they intercepted a Maruti Suzuki Swift car bearing Registration No.KL-35-G-8613. Upon searching the car, the police found that the petitioner was in possession of one gram of MDMA (Methylene Dioxy Methamphetamine). When questioned, the petitioner stated that he had purchased the substance from an unidentified person in Bangalore for Rs.1,000/- per gram and intended to sell it for Rs.2,000/- per gram to school and college students in Nagercoil and Thiruvananthapuram. Thereafter, the respondent-police arrested the petitioner and seized the contraband from him. Hence, the case.

4. Mr.NA.Manimaran, learned counsel appearing for the petitioner, submits



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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 respondent-police have not followed Sections 42, 50, 52(A) and 57 of the NDPS Act, 1985. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that there is no previous case pending against the petitioner. He further submits that one gram of MDMA (Methylene Dioxy Methamphetamine) and Rs.1000/- were recovered from the petitioner 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 has a permanent residence, and hence, there is less possibility of absconding. Considering the same, along with the period of incarceration, the quantity of the substance allegedly in the petitioner's possession, and the fact that the contraband has already been recovered from him, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to



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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.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, Nagercoil;

(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, Nagercoil, 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, Nagercoil;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 a.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 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;
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(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, Nagercoil, 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

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26/03/2025
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE II, NAGERCOIL

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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4 THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5055 of 2025
Date :26/03/2025

NBF/ SAR/ (26/03/2025) 6P/6C

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