



CRL OP(MD). No.5322 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5322 of 2025

Muthuirulu

... Petitioner/ Accused No.6

Vs

State of Tamil Nadu,
Thondi Police Station,
Ramanthapuram District.
Cr No.272 of 2023

... Respondent/ Complainant

For Petitioner : Mr.Jegadeesh Pandian.M,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

To enlarge the petitioner on the bail in the event of his arrest by respondent police or his appearance before the concerned court in connection with the case in C.C.No.159 of 2024 in Cr .No.272/2023 on the file of the learned Additional District Judge for EC and NDPS Act Cases, Pudukottai.

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



CRL OP(MD). No.5322 of 2025

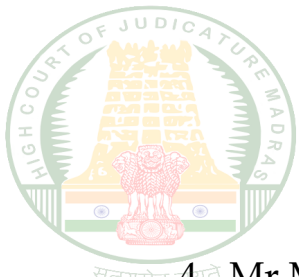
ORDER : The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 18.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioner / Accused No.6, who apprehends arrest at the hands of the respondent-Police and is facing trial in C.C.No.159 of 2024 on the file of the learned Additional District Judge for EC and NDPS Act Cases, Pudukottai, for the offences punishable under Sections 120(b) read with 8(C) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985 in connection with Crime No.272 of 2023 on the file of the respondent-Police, seeks pre-arrest bail.

3. The case of the prosecution is that on 26.11.2023, at about 09.30 hours, based on the secret information received by the Sub Inspector of Police from the Village Administrative Officer, a police team conducted an inspection near the Sea shore, M.R.Pattinam Village. During the inspection, they found that the accused persons were illegally transporting 105 kgs of ganja in a Bolero vehicle bearing Registration No.TN-38-BZ-3420. The respondent-police seized the contraband and arrested the accused persons and based on the confession of Accused No.5, the petitioner herein has been arrayed as Accused No.6. in this case. Hence, the case.



CRL OP(MD). No.5322 of 2025

WEB COPY

4. Mr.M.Jegadeesh Pandian, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide any conditions to be imposed by this Court, and co-operate with the trial. He further submits that no contraband has been recovered from the petitioner. He further submits that the petitioner has no knowledge of the factum of registration of the case. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the respondent-Police seized 105 kgs of ganja from the accused persons. He further submits that based on the confession of the co-accused, the petitioner herein has been arrayed as Accused No.6. He further submits that the petitioner has already filed Pre-arrest bail before this Court in Crl.O.P.(MD).No.793 of 2025 and the same was dismissed on 20.01.2025. Further, he submits that the rigors stated in Section 37 of the NDPS Act would be applicable to this case. Accordingly, he prays to dismiss this petition.

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

7. On verification of the details available on the E-Court website dated 15.04.2025 reads as thus:-



CRL OP(MD). No.5322 of 2025

WEB COPY

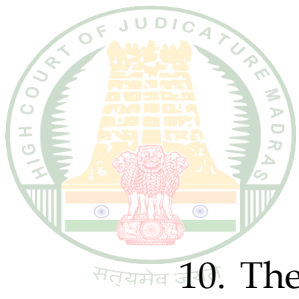
Business	:	A5 present. A3, A4 not present, Petition files and allowed and today A7 side files an memo along with as copy of HHC Medical Board order wherein the medical board quashed the case against A7. Issue summons to A1, A2, A6. Call on 29.04.2025
Next Purpose	:	Service pending
Next Hearing date	:	29.04.2025
Additional District Judge for E.C. and NDPS Act Cases		

8. The petitioner has already moved pre-arrest bail before this Court and the same was dismissed on 20.01.2025 and the above said order reads as thus

“When this Court was not inclined to grant anticipatory bail to the petitioner, the learned counsel appearing for the petitioner sought for permission to withdraw this Criminal Original Petition.

2.Accordingly, this Criminal Original Petition stands dismissed as withdrawn.”

9. In view of the facts and circumstances of the case, this Court is of the view that the rigors stated in Section 37 of the NDPS Act would not be applicable to the case. 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.



CRL OP(MD). No.5322 of 2025

WEB COPY

10. The petitioner has annexed some medical records of the petitioner before this Court. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also taking note of the ailment suffered by the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Additional District Judge for NDPS Act Cases, Pudukottai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of 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 Additional District Judge for NDPS Act Cases, Pudukottai;

(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 Additional District Judge for NDPS Act Cases, Pudukottai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the Additional District Judge for NDPS Act Cases, Pudukottai, on all working days at 10.30 a.m., until further



CRL OP(MD). No.5322 of 2025

orders;

WEB COPY

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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;

(vi) The petitioner shall not leave India without the previous permission of the Court;

(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Additional District Judge for NDPS Act Cases, Pudukottai; and

(ix) On breach of any of the aforementioned conditions, the learned Additional District Judge for NDPS Act Cases, Pudukottai or Trial Court, as the case may be, 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].



CRL OP(MD). No.5322 of 2025

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

WEB COPY

Sd/-

25/04/2025

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

TSG

TO

1.The Additional District Judge for NDPS Act Cases,
Pudukottai.

2.The Inspector of Police,
Thondi Police Station,
Ramanthapuram District.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-4940[I] dated
28/04/2025)

CRL OP(MD) No.5322 of 2025

Date : 25/04/2025



CRL OP(MD). No.5322 of 2025

WEB COPY
KVL/26.05.2025 8P/5C

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