



CRL OP(MD). No.5302 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5302 of 2025

Tamilselvan @ Tamilselvam,
S/o.Selvaraj,
Sappani Kovil Street,
West Street,
Madurai.

... Petitioner/ Accused No.1

Vs

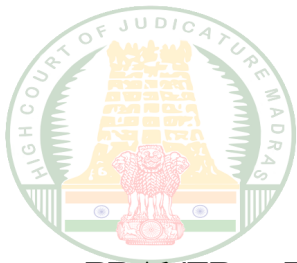
The State of Tamilnadu,
Rep by the Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.23/2025

... Respondent/Complainant

For Petitioner : Mr.M.Suresh,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :- For Bail in Crime No.23/2025 on the file of the respondent-Police.

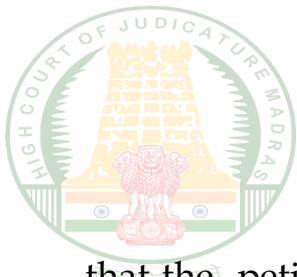
ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 19.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.1 was arrested and remanded to judicial custody on 06.02.2025 for the offences punishable under Sections 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 and Sections 8(c), 20(b)(ii)(A) and 25 of NDPS Act, 1985 in Crime No.23 of 2025, on the file of the respondent-Police.

3. The case of the prosecution is that on 06.02.2025, at about 01.00 p.m., a police team conducted an inspection near the Petrol Bunk at Kamuthi. At that time, the petitioner, along with another accused person, arrived on a two-wheeler. Upon seeing the police, they turned the two-wheeler around and then, the respondent-Police caught the petitioner and the other accused person. During the search, it was found that both accused persons were in possession of 55 grams of ganja. Thereafter, the respondent-Police seized the contraband, their mobile phones, and the vehicle and arrested Accused Nos.1 and 2. Hence, the case.

4. Mr.M.Suresh, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He further submits



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that the petitioner has been in judicial custody since 06.02.2015 and is ready to abide by any conditions to be imposed by this Court. 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, which is related to the offences punishable under the provisions of IPC. He further submits that 55 gms of ganja was recovered from the petitioner in 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 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, the vehicle and the mobile phone have been recovered from the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to 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



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only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District;

(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 District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram, shall obtain a copy of any one of identity proofs to ensure their identity;

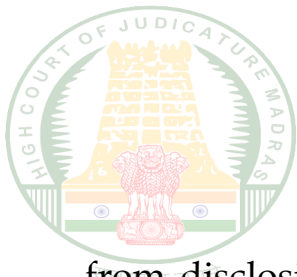
(iii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram;

(iv) The petitioner shall appear and sign before the respondent-Police daily twice at 10.30 a.m., and 05.00 p.m., for a period of one month and thereafter as and when required for interrogation;

(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



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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 shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, learned District Munsif cum Judicial Magistrate, Kamauthi, Ramanathapuram District, 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/-
21/03/2025

/ TRUE COPY /

24/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

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



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3 THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

ORDER
IN
CRL OP(MD) No.5302 of 2025
Date :21/03/2025

SA/SAR. /24.03.2025/6P/6C

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