



CRL OP (MD) No.5612 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

CRL OP (MD) No.5612 of 2025

Sam Prince,
S/o.Balan,
No.28, Near CBH,
Vadaseri, Nagercoil,
Kanyakumari District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
Crime No.72 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Suresh Kumar,
Advocate
For Respondent : Mr.R.Meenaksihi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.72 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 23.02.2025 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.72 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 23.02.2025, at about 08.45 a.m., based on secret information, the defacto complainant, the Sub-Inspector of Police, along with a police team, conducted an inspection near Abirami Garden, Sudalai Madan Kovil Temple Ground, Thattanvilai. During the inspection, the police found that the petitioner, along with other accused persons, was standing at that place with a bag. On seeing the police party, A4 fled from the place and A1 to A3 attempted to escape from the spot. However, the respondent-police surrounded them. Upon search, the police found that the accused persons were in illegal possession of 1.700 kgs of ganja. Thereafter, the respondent-police arrested the accused persons and seized the contraband from them. Hence, the case.

4. Mr.S.Suresh Kumar, learned counsel appearing for the petitioner, submits



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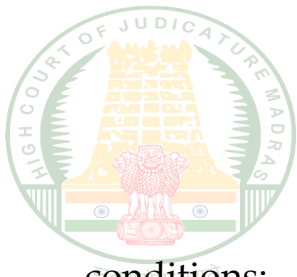
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that the petitioner has not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 23.02.2025 and is ready to abide by any conditions that may be imposed by this Court. 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 one previous case pending against the petitioner, which is not similar in nature. He further submits that 1.700 gms of ganja was 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 deep roots in 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 an intermediate quantity, has been recovered from the petitioner, and with a view to given one more 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



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conditions:

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(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 Principal Special Judge for Narcotic Drugs and Psychotropic Substances 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 learned Principal Special Judge for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, 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 Principal Special Judge for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai;

(iv) The petitioner shall appear and sign before the learned Principal Special Judge for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai 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



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accused, or suspected, of the commission of which he is suspected;

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(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;

(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 Principal Special Judge for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, 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

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TO
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1 THE PRINCIPAL SPECIAL JUDGE
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.

2 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE, NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SURESH KUMAR, Advocate (SR-3448[I] dated 26/03/2025)

ORDER
IN

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Date :26/03/2025

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

Madurai Bench of Madras High Court is issuing
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