



CRL.OP(MD). No.5754 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5754 of 2025

S.Karuppasamy

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
(Crime No.79 of 2025)

... Respondent / Complainant

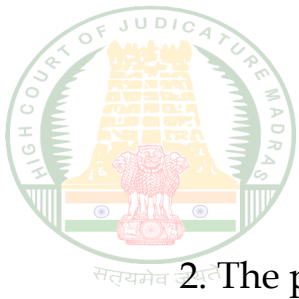
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.79 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Selvakrishnan,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 8(c) read with 20(b)(ii)(A) of NDPS Act, 1985 and Section 77 of the Juvenile Justice Act, 2015, in Crime No.79 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that while the respondent-police were on patrol duty, Accused No.1 was found in possession of 100 grams of ganja. The occurrence is said to have taken place on 17.03.2025, and a case was registered in Crime No. 79 of 2025 on the same day.

4. Mr.S.Selvakrishnan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case only based on the confession statement of the co-accused. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A2. He further submits that the accused persons engaged a juvenile to sold the contraband. He further submits that there are 10 previous cases against the petitioner which are registered under IPC. He further submits that the investigation



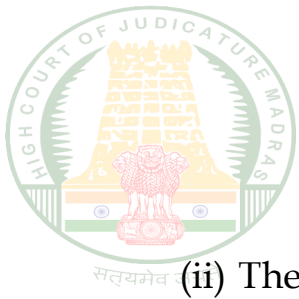
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of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he will commit similar type of offence and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the respondent-police has not recovered any contraband from this petitioner. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the quantity of the contraband seized in this case and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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 Judicial Magistrate Court-II, Sattur, Virudhunagar District, 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.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 Court-II, Sattur, Virudhunagar District.



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(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(*)(iii) The petitioner shall appear and sign before the learned Judicial Magistrate – II, Sattur, Virudhunagar District, on all working days (twice at 10.30 a.m. and 5.30 p.m.) until further orders.

(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 also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders
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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/-
27/03/2025

(*)Corrected as per Order of this Hon'ble Court
dated 21.04.2025 in Crl OP(MD).5754 of 2025.

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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(*) TO BE SUBSTITUTED WITH THE ORDER DATED 27.03.2025
TO

1.THE JUDICIAL MAGISTRATE COURT-II,
SATTUR, VIRUDHUNAGAR DISTRICT.

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



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3.THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to S. SELVAKRISHNAN Advocate SR.No.3725 (I) DT.01.04.2025

ORDER
IN
CRL OP(MD) No.5754 of 2025
Date :27/03/2025

PP/SAR. /23.04.2025/6P/6C

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