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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/04/2025
PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6456 of 2025

M. Karthi ... Petitioner/Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Mathichayam Police Station,
Madurai City.
Crime No. 217/2023.

... Respondent/Complainant

For Petitioner : Mr. Alageshkumar. V,
Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PRAYER :-

To grant bail to the petitioner in C.C.No. 960/2023 in Crime No. 217/2023 on the file of the II Additional Special Court for NDPS Act Cases, Madurai and thus render justice.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.04.2025 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

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custody on 13.03.2023. He was facing trial in C.C.No.960 of 2023 on the file of the learned II Additional Special Court for NDPS Act Cases, Madurai, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "the NDPS Act") in connection with Crime No.217 of 2023 on the file of the respondent-Police.

3. The case of the prosecution is that on 11.03.2023, at about 02.00 p.m., based on secret information, the respondent along with his team, went to Madurai Town Vaigai Vadakarai Road. At that time, the petitioner came in a car bearing Registration No.TN 39 AU 8181. The respondent-police intercepted the car and enquired. Upon enquiry, the police noticed that the petitioner along with other accused persons were in illegal possession of 43 kgs of Ganja(Contraband). Further, the petitioner disclosed that 45 kgs of Ganja was hidden in another car bearing Registration No.TN 10 AS 5395. The said car was seized along with contraband. The respondent-police arrested the accused persons along with contraband. Hence, the case.

4. Mr.V.Alageshkumar, the learned counsel appearing for the petitioner, submits that the petitioner has been falsely implicated in this case and he did not commit any offence as alleged. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in judicial custody since 13.03.2023. He therefore prays to grant

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bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that this is the third bail application. He further submits the trial commenced. Totally five witnesses in this case, out of which, three witnesses have been examined. Now the case is posted on 09.05.2025 for examination of further witnesses. if the petitioner is released on bail, there is a possibility of absconding and thereby, the trial proceedings will be delayed. He further submits that the contraband recovered from the accused persons is of commercial quantity. Hence, he vehemently opposes to grant bail to the petitioner.

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

7.Considering the facts and circumstances of the case and also considering this case, it is the third bail application. Further, there is no change in circumstances. In this case the trial commenced and out of five witnesses, three witnesses have been examined. Now the case is posted on 09.05.2025 for examination of further witnesses. Hence, the custody of the petitioners is necessary. Further more, if bail is granted to the petitioner, he may abscond and thereby delaying the trial proceedings. Considering the cumulative circumstances, this Court is not inclined to grant bail to the petitioner at this stage.

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8.With the above observations, this Criminal Original Petition stands dismissed.

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28/04/2025

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/05/2025

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

vsg
TO

1.The Judge, II Additional Special Court for NDPS Act Cases, Madurai.
2. The Superintendent, Central Prison, Madurai.
3.The Inspector of Police, Mathichayam Police Station,MaduraiCity.
4. The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.6456 of 2025
Date :28/04/2025

PP/SAR. /12.05.2025/4P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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