



CRL.OP(MD). No.5968 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5968 of 2025

Musthak Ahamed @ Mustaq Ahamed Dheen

... Petitioner / Accused No.4

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

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.72 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Baskar Mathuram,
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 27.03.2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying

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



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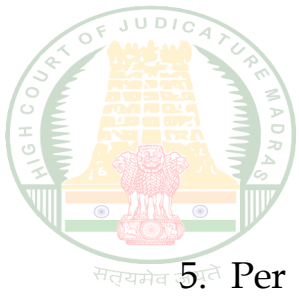
to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, 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 08:00 hours, based on a tip-off received by the Sub-Inspector of Police, he, along with the police party and necessary equipment, proceeded to the Sudalaimadasamy Temple at Thattanvilai. At that time, the co-accused arrived at the place of occurrence. Upon seeing the police party, the co-accused attempted to flee, but the respondent-police apprehended him. During the apprehension, the co-accused was found to be in joint possession of 1.700 kilograms of ganja. Hence, the case.

4. Mr.S.Baskar Mathuram, 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 there is no recovery from the petitioner herein. He further submits that the petitioner has been implicated only based on the confession statements of 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.



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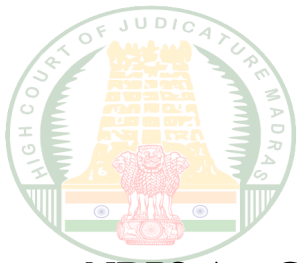
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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally four accused persons in this case and the petitioner has been arrayed as A4. He further submits that the total contraband seized from the accused persons comes within the category of intermediate quantity. He further submits that the investigation of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he will abscond and tamper 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 there is no recovery from the petitioner, this Court is of the view that the custodial interrogation of the petitioners is not necessary. Further, the petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, and also taking note of the fact that A2 has already been granted bail by this Court 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 Principal Special Court for Trial of



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NDPS Act Cases, Madurai 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 Principal Special Court for Trial of NDPS 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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

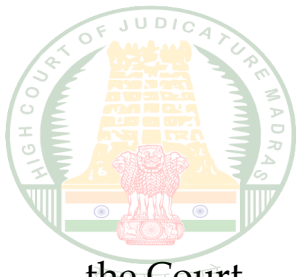
(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(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 witnesses and shall not tamper the evidence.

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



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the Court.

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(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 Magistrate 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].

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

sd/-
22/04/2025

(*)Amended as per the order of this court dated
11.06.2025 made in CRL MP(MD)No.7098 of 2025
in CRL OP(MD)No.5968 of 2025

Further time is extended by two weeks from
the date of receipt of a copy of this order

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/06/2025
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 to the order which is already despatched on 30.05.2025

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1 The Principal Special Judge for Trial of NDPS Act Cases, Madurai

2.The Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.

3.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

4.The Inspector of Police,Nesamony Nagar Police Station,Kanyakumari District.

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

+1 CC to Mr.S.Baskar Muthuram, Advocate Sr.No.6238 Dated :16/06/2025

ORDER IN
CRL OP(MD) No.5968 of 2025
Date :22/04/2025

PP/27.05.2025 6P/5C

MK/20.06.2025 6P/7C

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