



CRL.OP(MD).No.6112 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6112 of 2025

Santhosh

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Balamedu Police Station,
Madurai District.
(Crime No.268 of 2024)

... 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.268 of 2024 on the file of the respondent-police.

For Petitioner : Mr.S.Srikanth,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 01.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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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 offence punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.268 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 25.12.2024, the Inspector of Police attached to the respondent Police received a secret information to the effect that a group of persons are selling ganja near Chekumadai located at Valayapatti Majamalai Temple. Hence, the Police team rushed to the spot at about 09.30 a.m. and on seeing the police team, Accused No.1 fled away from the spot and upon inspection, Accused Nos.2 and 3 were found in possession of 1.300 gms of ganja. There are totally three accused persons in this case and the petitioner has been arrayed as Accused No.1.

4. Mr.S.Srikanth, 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 and a false case has been foisted against the petitioner. He, however,



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submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

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5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that Accused Nos.2 and 3 were arrested at the scene of occurrence. He further submits that Accused No.2 was released on bail by the Principal Special Court for NDPS Act Cases, Madurai. He further submits that there are four previous cases under various IPC offences pending against the petitioner. In light of these facts, he submits that custodial interrogation of the petitioner is required in the present case. He further submits that this is the third petition filed by the petitioner seeking pre-arrest bail. He further contends that if pre-arrest bail is granted, the petitioner 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. The earlier pre-arrest bail application filed by the petitioner was already dismissed by this Court in Crl.OP(MD).No.191 of 2025 on 07.01.2025. The same is



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extracted hereunder:-

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"When this Court was not inclined to grant anticipatory bail to the petitioner, the learned counsel appearing for the petitioner sought for permission to withdraw this Criminal Original Petition.

2. Accordingly, this Criminal Original Petition stands dismissed as withdrawn. "

Subsequently, the petitioner filed a second pre-arrest bail petition in CrI.OP(MD). No.2151 of 2025, which was also dismissed on merits by this Court on 03.02.2025.

The relevant portions are extracted hereunder:-

"6. Considering the antecedents of the petitioner and considering the fact that custodial interrogation is required in this case, this Court is of the view that granting an order of pre-arrest bail would likely result in committing similar offence by the petitioner

7. Therefore, this Court is not inclined to grant pre-arrest bail to the petitioner and hence, this Criminal Original Petition stands dismissed."

Thereafter, the present petition has been filed. When this case is taken up for hearing today, this Court specifically put a question to the learned counsel for the petitioner to state about the alleged change in circumstances. However, the learned counsel is unable to provide satisfactory reason. Hence, it is clear that there is no



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change of circumstances in this petition. Therefore, this Court is of the view that
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successive pre-arrest bail application without any change in circumstances is not maintainable.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

23/04/2025

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/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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To

1.The Inspector of Police,
Balamedu Police Station,
Madurai District.

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

Order made in
CRL.OP(MD).No.6112 of 2025
23.04.2025

BV (07/05/2025) 5P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.