



CRL.OP(MD). No.6038 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.6038 of 2025

Sasikumar

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Vedasandur Police Station,
Vedasandur,
Dindigul District.
(Crime No.330 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.330 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Abdul Rahuman,
Advocate

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

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 28.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 8(c), 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 77 of the Juvenile Justice Act, 2015, in Crime No.330 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that defacto complainant, who is working as a Sub-Inspector of Police at the respondent-police station, received secret information on 19.09.2024 at about 11:45 a.m. Acting on the information, he, along with the police party, proceeded to Thirumanickanur Bus Stop. There, they found Accused No.1 selling ganja to children. Upon noticing the police party, the accused attempted to flee, but was immediately surrounded and apprehended by the defacto complainant and his team. Upon conducting a search, the accused was found in possession of 100 grams of ganja intended for retail sale. During inquiry, the accused confessed that he had purchased the ganja from the petitioner. Hence, the case.



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4. Mr.S.Abdul Rahuman, 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.

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 total contraband seized from the accused persons comes within the category of small quantity. He further submitted that there are four previous cases against the petitioner in similar nature. 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.



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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 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 Additional District Munsif-cum-Judicial Magistrate, Vendasandur, Dindigul 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 Additional District Munsif-cum-Judicial Magistrate, Vendasandur, Dindigul District.

(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



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identity proofs to ensure their identity.

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(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday 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 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

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1.THE ADDITIONAL DISTRICT MUNSIF-
CUM-JUDICIAL MAGISTRATE,

6/7



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VEDASANDUR,
DINDIGUL DISTRICT.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
VEDASANDUR,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6038 of 2025
Date :22/04/2025

HPS/29.05.2025 /7P/5C

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