



CRL OP(MD) No.6169 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.6169 of 2025

Petchiyammal

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Krishnan Kovil Police Station,
Virudhunagar District.
(Crime No. 52 of 2025)

... Respondent/Complainant

For Petitioner : Mr.D.Ramki,
Advocate

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

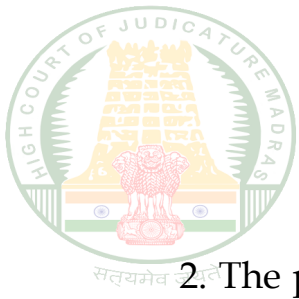
PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

For Bail in Crime No.52 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 01.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 24.02.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) of the NDPS Act, 1985 and Section 77 of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 in Crime No.52 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 24.02.2025, at about 01.00 p.m., based on secret information, the defacto complainant, the Sub-Inspector of Police, along with a police team, conducted an inspection near Vizhupanoor Panchayat Union Elementary School. During the inspection, the police found that the petitioner and another accused person were standing on that place with a bag. On seeing the police party, they attempted to escape from that place. However, the respondent-police apprehended them. On search of the bag, the respondent-police found that the accused persons were in illegal possession of 60 grams of ganja. Thereafter, the respondent-police arrested the accused persons and seized the contraband from them. Hence, the case.

4. Mr.D.Ramki, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 24.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner



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is a 45-year-old widow and the sole breadwinner of her family. Therefore, he prays
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for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that there are 15 previous cases pending against the petitioner, of which 13 cases are similar in nature. He further submits that the petitioner and Accused No.2 are relatives and that they had been purchasing the contraband from Theni and selling to the public and school-going students. He further submits that co-accused/ A2 has already been granted bail by this Court vide order dated 26.03.2025 in CrI.O.P(MD) No.5058 of 2025. He further submits that if bail is granted to the petitioner, she may abscond and thereby cause a delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was arrested on 24.02.2025 and has been in judicial custody since then. The petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same and also considering the period of incarceration and the facts that the alleged contraband, which is admittedly a small quantity, has been recovered from the petitioner and A2 and that the petitioner is a woman, and taking note of the fact that co-accused/ A2 has already been released on bail by this Court vide order dated 26.03.2025 in CrI.O.P



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(MD) No.5058 of 2025, and with a view to give one more opportunity to the petitioner

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to reform herself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

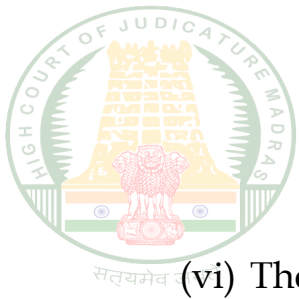
(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar at Srivilliputhur;

(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 No.II, Virudhunagar at Srivilliputhur, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.II, Virudhunagar at Srivilliputhur;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Virudhunagar at Srivilliputhur, on all working days, at 10.30 a.m., and 05.00 p.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;



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(vi) The petitioner shall not commit an offence similar to the offence of she is accused, or suspected, of the commission of which she is suspected;

(vii) 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Virudhunagar at Srivilliputhur, 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].

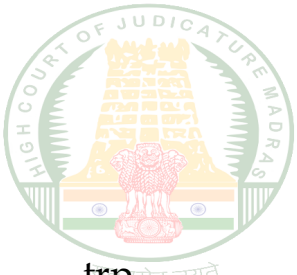
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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trp
TO
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- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 - 2 DO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER INCHARGE, SUB JAIL, MADURAI.
 - 4 THE INSPECTOR OF POLICE,
KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.D.RAMKI, Advocate (SR-3882[I] dated 03/04/2025)

ORDER
IN
CRL OP(MD) No.6169 of 2025
Date :03/04/2025

NBF/ SAR/ (03/04/2025) 6P/7C

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