



CRL OP (MD) No.6328 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6328 of 2025

Arulvellaipandi

... Petitioner/ A2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime No. 86 of 2025)

... Respondent/Complainant

For Petitioner : Mr.J.Yogeswaran,
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.86 of 2025 on the file of the respondent-police.



CRL OP (MD) No.6328 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 23.03.2025 for the offences punishable under Sections 8(c) and 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.86 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 23.03.2025, at about 08.00 a.m., based on secret information, the defacto complainant, the Inspector of Police, along with a police team, conducted an inspection at Vilampatti to prohibit illegal selling of ganja. During the inspection, the police found that the petitioner and another one accused person were selling ganja to the school students on that place. 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 110 grams of ganja. Thereafter, the respondent-police arrested the accused persons and seized the contraband from them. Hence, the case.



CRL OP (MD) No.6328 of 2025

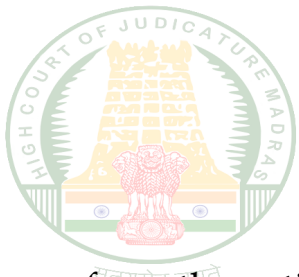
WEB COPY

4. Mr.J.Yogeswaran, 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 23.03.2025 and is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays 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 five previous cases pending against the petitioner, of which four cases were disposed of and one case is pending. He further submits that the alleged contraband has been recovered from the accused persons at the spot and the petitioner was found in possession of 60 gms of ganja and another accused was found in possession of 50 gms of ganja. He further submits that if bail is granted to the petitioner, he may abscond and thereby cause 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 23.03.2025 and has been in judicial custody since then. In view of the fact that the contraband involved in this case is admittedly a small quantity (110 grams), particularly as only 60 grams of ganja has been recovered



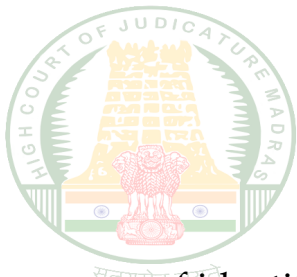
CRL OP (MD) No.6328 of 2025

from the petitioner, and considering that the alleged contraband has been recovered from both the petitioner and another accused person, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and hence, there is less possibility of absconding. Considering the same and also considering the period of incarceration and with a view to give one more opportunity to the petitioner to reform himself, 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 Superintendent, Central Prison, Madurai, is directed to release the petitioner on execution of a personal bond (own bond) for Rs.10,000/- (Rupees Ten Thousand only) by the petitioner;

(ii) After releasing the petitioner from the jail, the petitioner shall produce two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate I, Sivakasi, within a period of 15 days from today;

(iii) 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 I, Sivakasi, shall obtain a copy of any



CRL OP (MD) No.6328 of 2025

one of identity proofs to ensure their identity;

WEB COPY

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate I, Sivakasi;

(v) The petitioner shall appear and sign before the respondent-police daily at 09.00 a.m., until further orders;

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

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

(viii) 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 or tamper with the evidence; and

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate I, Sivakasi, 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].



CRL OP (MD) No.6328 of 2025

WEB COPY

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

sd/-
07/04/2025

/ TRUE COPY /

/04/2025

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

TO

1 THE JUDICIAL MAGISTRATE NO.1
SIVAKASI

2 DO THOROUGH THE CHIEF JUDICIAL
MAGISTRATE, VIRUTHUNAGAR DISTRICT AT
SRIVILLIPUTHUR

3 THE SUPERINDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
MARANERI
POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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



WEB COPY



CRL OP (MD) No.6328 of 2025

ORDER
IN
CRL OP(MD) No.6328 of 2025
Date :07/04/2025

AS (07/04/2025) 7P / 6C

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