



CRL OP (MD) No.6753 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6753 of 2025

Ragulji ... Petitioner/ Accused No.14

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
Crime No.112 of 2024

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in the case in C.C.No.1 of 2025 on the file of the learned Additional District and Sessions Judge/Special Court under the Essential Commodities and NDPS Act cases, Pudukkottai in connection with Crime No.112 of 2024 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 08.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.14 was arrested and remanded to judicial custody on 27.08.2024 for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 29(1) ad 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.112 of 2024 on the file of the respondent-police. After completion of the investigation, the respondent-police filed the charge sheet, and the same was taken on file by the learned Additional District and Sessions Judge, Special Court for Essential Commodities and NDPS Act Cases, Pudukkottai, in C.C.No.1 of 2025.

3. The case of the prosecution, as per the final report, is that on 07.07.2024, at about 13:00 hours, the Sub-Inspector of Police received credible information regarding illegal activity. Acting upon this information, the police team proceeded to the specified location, where they found a car bearing Registration No. AP-30-AA2929 with Accused Nos.2 to 6 inside. While enquiring with them, they noticed Accused Nos.9 to 11 standing near a bridge in the vicinity. The respondent-police



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attempted to apprehend them. However, upon seeing the police, they fled the scene on a two-wheeler without a registration number. During the same incident, Accused Nos. 2 to 6 also escaped from the location using the said car. Accused No.12 fled the scene. A search of the area under the bridge led to the recovery of 61 bundles, which were later confirmed to be ganja. The contraband was seized and weighed in the presence of the Revenue Inspector and the Village Administrative Officer, resulting in the recovery of 122 kilograms of ganja. An alert was issued to the nearest districts, including toll gates. Subsequently, it was learned that the car which had fled from the scene was intercepted near the Samayapuram Toll Gate by the police, and Accused Nos. 2 to 6 were apprehended. At the time of arrest, they were found to be in possession of 2 kilograms of ganja. During the course of the investigation, the involvement of other accused persons came to light. The role of Accused No.13 was revealed based on the confession of Accused No. 9. It was found that Accused No. 13 had met Accused No. 1 and facilitated the identification of buyers for the contraband, who were later identified as Accused Nos. 9, 10, and 12. Accused No.11 was involved in arranging the transport and unloading of the contraband. Further, the confession of Accused No.13 led to the identification of the petitioner herein (Accused No.14), who in turn disclosed the involvement of Accused Nos.15 to 21. In total, 21 accused persons have been implicated in this case.



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4. Mr.S.Ramakrishnan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has been falsely implicated in this case. He further submits that, except for the confession statement of the co-accused, there is no material available on record to connect the petitioner with the crime, and that no contraband was recovered from the petitioner. He further submits that the petitioner has been in judicial custody since 27.08.2024 and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner herein has been arrayed as Accused No.14 based on the confession of the co-accused, viz., A4. He further submits that if bail is granted to the petitioner, he may commit a similar offence, cause a threat to the defacto complainant and witnesses, and thereby delay the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 27.08.2024 and has been in judicial custody since then. A perusal of the records reveals that except for the confession of co-



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accused, there are no other materials available on record to show the involvement of the petitioner in this case, and no contraband was recovered from him. Hence, this Court is of the view that the rigors stated in Section 37 would not be applicable to the petitioner. To be noted, the above view is recorded only for the purpose of deciding this bail application and would not cause any prejudice to the rights of the prosecution in establishing its case during the trial. Considering the cumulative circumstances of the case and the period of incarceration and taking note of the fact that there is no previous case pending against the petitioner under the NDPS Act, 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 Additional District and Sessions Judge / Special Court under the Essential Commodities and NDPS Act Cases, Pudukkottai;

(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 Additional District and Sessions Judge / Special Court under the Essential Commodities and NDPS Act Cases, Pudukkottai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to



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the learned Additional District and Sessions Judge / Special Court under the Essential Commodities and NDPS Act Cases, Pudukkottai;

(iv) The petitioner shall appear and sign before the learned Additional District and Sessions Judge / Special Court under the Essential Commodities and NDPS Act Cases, Pudukkottai, on all working days, at 10.30 am 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;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Additional District and Sessions Judge / Special Court under the Essential Commodities and NDPS Act Cases, Pudukkottai 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



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conditions stated supra.

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

TRP

To

1. The Additional District and Sessions Judge,
Special Court under the Essential Commodities and NDPS Act Cases,
Pudukkottai.
2. The Superintendent,
Central Prison, Trichy.
3. The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

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Date :29/04/2025

HPS/02.05.2025 /7P/5C

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