



CRL OP (MD) No.7195 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7195 of 2025

Manikandan

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
(Crime No.62 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.T.Dineshpandi,
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.62 of 2025 on the file of the respondent-police.



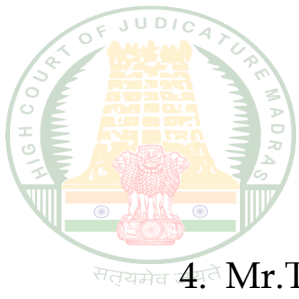
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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 21.03.2025 for the offences punishable under Sections 8(c), 20(b)(ii)(A) of the NDPS Act, 1985 r/w Section 77 of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 in Crime No.62 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 21.03.2025, at about 01.00 p.m., the defacto complainant, the Sub-Inspector of Police, along with a police team, conducted an inspection at Virudhunagar East, Virudhunagar-Aruppukottai Road to prohibit illegal selling of ganja. During the inspection, the police found that the petitioner and another one accused person were standing on that place with a white colour 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 250 grams of ganja. Thereafter, the respondent-police arrested the accused persons and seized the contraband from them. Hence, the case.



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4. Mr.T.Dineshpandi, 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 21.03.2025 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 The petitioner has seven previous cases, all related to offences punishable under the Indian Penal Code. He further submits that the alleged contraband has been recovered from the accused persons at the spot. He further submits that if bail is granted to the petitioner, he 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 and perused the case file.

7. The petitioner was arrested on 21.03.2025 and has been in judicial custody since then. In view of the fact that the alleged contraband, which is admittedly of a small quantity, has been recovered from the petitioner and the other accused person, and since the rigors stated in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be applicable to this case, this Court is of the



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opinion that further custody of the petitioner is not necessary for the Investigating Agency. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioner 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 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 II, Virudhunagar;

(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 II, Virudhunagar, 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 the learned Judicial Magistrate II, Virudhunagar;



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(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.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;

(vi) 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;

(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 Judicial Magistrate II, Virudhunagar, 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].



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

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1. The Judicial Magistrate II,
Virudhunagar.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District.
3. The Superintendent,
Central Prison,
Madurai District.
4. The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.DINESHPANDI, Advocate (SR-4654[I] dated 23/04/2025)



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ORDER
IN
CRL OP(MD) No.7195 of 2025
Date :22/04/2025

MK/SAR /23.04.2025 7P/7C

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