



CRL OP(MD). No.7262 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

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Balamurugan

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Theni, NIB-CID Police Station,
Theni District.
In Crime No.162 of 2005.

... Respondent/ Complainant

For Petitioner : Mr.Kannan Gurusami,
Advocate.

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

PRAYER :-

To enlarge the Petitioner/ Accused No.1 on bail in C.C.No.162 of 2023, pending,
on the file of the learned I Additional Special Judge for NDPS Act cases, Madurai

<https://www.mhc.tn.gov.in/judis>



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and pass such other or further orders

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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 on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 29.11.2024. The petitioner is facing trial in C.C.No.162 of 2023 on the file of the learned I Additional Special Judge for NDPS Act cases, Madurai, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in connection with Crime No.162 of 2005 on the file of the respondent-Police.

3. The case of the prosecution is that the petitioner was found in illegal possession of 2kgs of ganja. Hence, the complaint.

4. Mr.Kannan Gurusami, learned counsel appearing for the petitioner, submits that since the petitioner had appeared before the concerned court in connection with the pending cases, he was unable to appear before the learned I Additional Special



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Judge for NDPS Act Cases, Madurai, on 30.06.2022. Hence, non-bailable warrant was issued against the petitioner on 30.06.2022. Thereafter, the case has been split up and Accused No.2 tried separately and the case ended in conviction. Thereafter, non bailable warrant was executed on 29.11.2024 and the petitioner was arrested and remanded to judicial custody on 29.11.2024. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 29.11.2024. 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 failed to appear before the trial Court, hence, non bailable warrant was issued against the petitioner on 03.05.2016 and the petitioner recalled the said warrant on 14.11.2017. Thereafter, when the case was posted on 30.06.2022, the petitioner again failed to appear before the trial Court and the same was executed on 29.11.2024. In the mean time, the case against Accused No.2 was split up and the same ended in conviction. Thereafter, the petitioner was arrested on 29.11.2024 and he is facing trial in C.C.No.162 of 2023. He further submits that if bail is granted to the petitioner, he may abscond and thereby cause a delay in the trial proceedings. He further submits



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that there are 14 previous cases against the petitioner, out of which 12 cases ended in acquittal and two cases are pending against the petitioner. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. Considering the conduct of the petitioner and considering the fact that if bail is granted to the petitioner, the petitioner may abscond and thereby cause delay in the trial proceedings, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
22/04/2025

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/05/2025

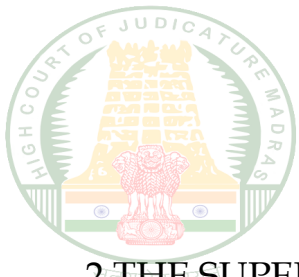
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1. THE INSPECTOR OF POLICE,
THENI, NIB-CID POLICE STATION,
THENI DISTRICT.

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2.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1 CC to M/s.KANNAN GURUSAMI, Advocate (SR-4592[I] dated 23/04/2025)

ORDER
IN
CRL OP(MD) No.7262 of 2025
Date :22/04/2025

VN/26.05.2025 5P/5C

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