



CRL OP (MD) No.7783 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. R.Rakesh

2. J.Ayyappan

... Petitioners/ Accused Nos.4 & 2

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.171 of 2025)

... Respondent/Complainant

For petitioners : Mr.K.Karansingh
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.171 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioners on 24.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners / A4 and A2 were arrested and remanded to judicial custody on 31.03.2025 for the offences punishable under Sections 296(b), 132 and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 and 25(1A) of Arms Act, 1959 in Crime No.171 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 31.03.2025, at about 03:00 p.m., while the respondent-police were conducting surveillance near Draupadi Amman Temple, Sivagiri, they found Accused No.1 handing over something from a polythene bag to an unknown person. On seeing the respondent-police, the said unknown person fled from the place. Accused No.1 and the second petitioner (A2) were standing with their vehicle bearing Registration No.TN-92-K-9724. While the respondent-police were trying to apprehend them, they abused the police officials in abusive language in front of the public. Accused No.1, taking an arval (sickle) from the two-wheeler, threatened the police officials and warned them not to arrest them. However, the respondent-police apprehended them.



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Upon verification and search, it was revealed that they were in possession of 50 grams of ganja and Rs.500/- earned through the sale of ganja. The police arrested them and seized the contraband, the vehicle, and the said amount from them. Based on their confession, the first petitioner has been arrayed as (A4). Hence, the case.

4. Mr.K.Karansingh, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioners. He further submits that the petitioners have been in judicial custody since 31.03.2025 and are ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that Accused No.1 and the second petitioner (A2) were found in possession of 50 grams of ganja, and that the first petitioner (A4) is connected with the crime. He further submits that there are no previous cases pending against the first petitioner (A4), whereas two previous cases are pending against the second petitioner (A2). He also submits that the investigation in the present case is still pending, and therefore, at this stage, if bail is granted to the petitioners, they may abscond, thereby causing delay in the investigation and may also commit similar offences, thereby endangering the health of the general public.



Therefore, he vehemently opposes to grant bail to the petitioners.

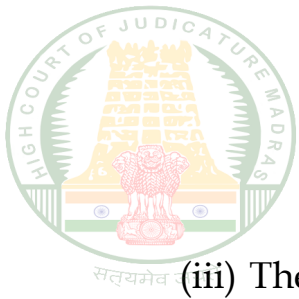
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6. Heard on both sides and perused the records.

7. The petitioners were arrested on 31.03.2025 and have been in judicial custody since then. In view of the offences allegedly committed by the petitioners and the fact that the two-wheeler and contraband have been recovered from the petitioners, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigation Agency in this case. Considering the same and also considering the period of incarceration and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) Each of the petitioners 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 Musif - Cum - Judicial Magistrate, Sivagiri;

(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 Musif - Cum - Judicial Magistrate, Sivagiri shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioners shall furnish his residential address and mobile number to the learned Additional District Musif - Cum - Judicial Magistrate, Sivagiri;

(iv) The petitioners shall appear and sign before the learned Additional District Musif - Cum - Judicial Magistrate, Sivagiri, on all working days, at 10.00 am and 5.00 pm until further orders;

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

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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 them 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 Musif - Cum - Judicial Magistrate, Sivagiri is entitled to pass appropriate orders against the petitioners 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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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.

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



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ORDER

IN

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Date :28/04/2025

HPS/SAR / 29.04.2025/7P/6C

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