



CRL OP (MD) No.7884 of 2025

WEB COPY

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.7884 of 2025

Dharmar

... Petitioner/ Accused No.3

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.
Crime No.94 of 2023

... Respondent/Complainant

For Petitioner : Mr.J.Selvam,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

To release the petitioner on bail in the case in C.C.No.1084 of 2023 on the file of the I Additional Special Court for EC and NDPS Act Cases, Madurai in connection with Crime No.94 of 2023 on the file of the respondent-police.



CRL OP (MD) No.7884 of 2025

ORDER : The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 25.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/Accused No.3 surrendered himself on 12.03.2025 in C.C.No.1084 of 2023 on the file of the I Additional Special Court for EC and NDPS Act Cases, Madurai for the alleged offences punishable under Section 8(c) read with Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.94 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that, on 12.05.2023, at about 11:45 a.m., based on secret information, the respondent-police reached U. Vadipatti Division Road, where they found A1 and A2 standing with a gunny bag each. Upon conducting a search, the respondent-police found that A1 was in possession of 4 kgs of ganja and A2 was in possession of 2 kgs of ganja. Based on the confession of A1, the petitioner has been arrayed as A3. Hence, the case.

4. Mr.J.Selvam, the learned counsel appearing for the petitioner, submits that



CRL OP (MD) No.7884 of 2025

the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner voluntarily surrendered on 12.03.2025, which act demonstrates the *bona fide* of the petitioner, and that he has been in judicial custody since 12.03.2025. He however submits that the petitioner is ready to abide by any condition 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 investigating agency has filed an absconding charge sheet against the petitioner, and that while the respondent-police were taking serious steps to secure him, the petitioner chose to surrender, which cannot be taken as a *bona fide* act. He further submits that the petitioner has three previous cases, out of which two are similar in nature. He also submits that the present case is of the year 2023, but the petitioner surrendered only in the year 2025, during which time he had been absconding. Therefore, if the petitioner is released on bail, he will abscond again, thereby causing delay in the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.



CRL OP (MD) No.7884 of 2025

WEB COPY

7. The petitioner/ A3 is facing trial in C.C.No.1084 of 2023 on the file of the learned I Additional Special Judge for EC and NDPS Act Cases, Madurai. The alleged occurrence took place on 12.05.2023. It is stated that an absconding charge sheet was filed against the petitioner for the offences punishable under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No. 94 of 2023 on the file of the respondent-police. The petitioner voluntarily surrendered before the Trial Court on 12.03.2025 and was remanded to judicial custody. In view of the above, this Court is of the opinion that, although the respondent-police were taking steps to arrest the petitioner, the petitioner has voluntarily surrendered without arrest. Considering the conduct of the petitioner, and taking into account the fact that the investigation has been completed and the charge sheet has been filed, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. 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:



CRL OP (MD) No.7884 of 2025

WEB COPY

(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 I Additional Special Judge for EC and NDPS Act Cases, Madurai;

(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 I Additional Special Judge for EC and NDPS Act Cases, Madurai 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 I Additional Special Judge for EC and NDPS Act Cases, Madurai;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 a.m., until further orders. The petitioner shall appear before the Trial Court whenever his appearance is required, without fail;

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



CRL OP (MD) No.7884 of 2025

WEB COPY

(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

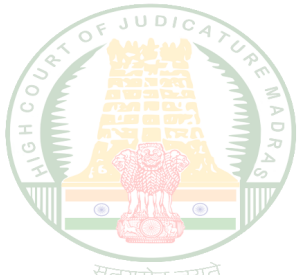
(viii) On breach of any of the aforementioned conditions, the learned I Additional Special Judge for EC and NDPS Act Cases, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

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

sd/-
29/04/2025

/ TRUE COPY /

02/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



MBI
WEB COPY

TO

1 THE I ADDITIONAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
UTHAPPANAICKANUR POLICE STATION,
MADURAI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP(MD) No.7884 of 2025

Date :29/04/2025

SS/SAR- /02/05/2025/ 7P/5C

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