



CRL OP(MD). No.7997 of 2025

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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.7997 of 2025

Arunkumar

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,  
Rep By, The Inspector of Police,  
Pew Madurai City Police Station,  
Madurai City,  
Madurai District.  
Cr.No.106 of 2025..

... Respondent/ Complainant

For Petitioner : Mr.R.Balamuruganantham,  
Advocate.

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

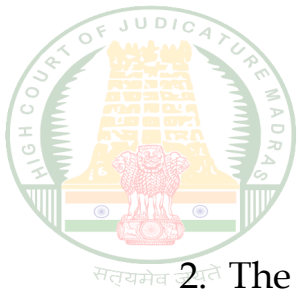
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.106 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.



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2. The petitioner / Accused No.3 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985, in Crime No.106 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that, on 16.04.2025, at about 10.00 a.m., based on the secret information received by respondent Police, they went to Koothiyarkundu *kanmai karai*, near Sowbakya Nagar, at Thirunagar and they intercepted Thirupathy (A1) and Chinnamani (A2). When A1 and A2 attempted to escape from the occurrence place in their two wheeler bearing Registration No.TN 64 AB 4645, Police party nabbed them and enquired them. On enquiry, they found that the accused persons (A1 and A2) possessed 2 Kg of Ganja. The Respondent-police arrested A1 and A2 with contraband weighing 2 Kg. A1 and A2 gave confession. Based on the confession of co-Accused, the petitioner has been arrayed as A3. The contraband along with two wheeler have been seized from A1 and A2. Hence, the case.

4. Mr.M.Gandhirajan, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He further submits that based on the confession of co-accused, the petitioner has been arrayed as A3. Except the confession, no other



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material is available on record against the petitioner. He however, submits that the  
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petitioner is ready to abide any conditions to be imposed by this Court, and co-operate with the investigation. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that there is one previous case pending against the petitioner, which is similar in nature. He further submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offences. Accordingly, he prays to dismiss this petition.

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

7. The petitioner has permanent residence and therefore, there is less possibility for absconding. Considering the facts that except the confession, there is no other material available on record as of now, against the petitioner and hence, the custody of the petitioner may not necessary in this case. Hence with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Principal Special Court for EC & NDPS Cases, Madurai, Madurai District, within a period of 15 days from date on which



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the order copy is made ready, on executing a bond for a sum of 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 Principal Special Court for EC & NDPS Cases, Madurai, Madurai District,;

(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 Principal Special Court for EC & NDPS Cases, Madurai, Madurai District, shall obtain a copy of any one of identity proofs to ensure their identity;

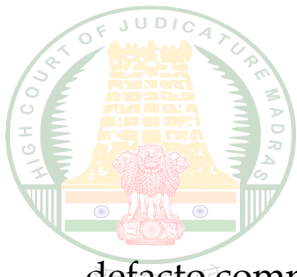
(iii) The petitioner shall appear and sign before the respondent-Police weekly twice (ie., on Saturday and Sunday) daily at 09.00 a.m., until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(v) 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;

(vi) The petitioner shall not leave India without the previous permission of the Court;

(vii) The petitioner shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence;

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(viii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Court for EC & NDPS Cases, Madurai, Madurai District;; and

(ix) On breach of any of the aforementioned conditions, the learned Principal Special Court for EC & NDPS Cases, Madurai, Madurai District, or Trial Court, as the case may be, 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

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

VSG  
TO

1.The learned Principal Special Court for EC & NDPS Cases, Madurai, Madurai District.



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2.The Inspector of Police, Pew-Madurai City Police Station,  
Madurai City, Madurai District.

3.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate ( SR-5045[I] dated  
29/04/2025 )

ORDER IN  
CRL OP(MD) No.7997 of 2025  
Date :29/04/2025

PP/28.05.2025 6P/5C

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