

CRL OP(MD). No.9681 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 24.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.9681 of 2025

Balamurugan,
S/o.Seeni @ Samayanan ...Petitioner / Accused No.1

Vs

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

... Respondent/ Complainant

PRAYER :- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in C.C.No.162 of 2023 on the file of the learned I Additional Special Court for NDPS Act Cases, Madurai in connection with the Crime No.162 of 2005 on the file of the respondent police.

For Petitioner : Mr.Kannan Gurusamy,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)



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ORDER : The Court made the following order :-

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The petitioner / accused, who was arrested and remanded to judicial custody on 29.11.2024 for the offences punishable under Section 8(c) read with Section 20(b)(ii) (B) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, in Crime No.162 of 2005 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police found that the accused were in possession of 2 kilograms of ganja, valued at approximately Rs.10,000/-. Hence the case.

3. The learned counsel for the petitioner would submit 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 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 seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the



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petitioner failed to appear before the trial Court, and therefore, a non-bailable warrant was issued against him on 03.05.2016. The petitioner subsequently recalled the said warrant on 14.11.2017. Thereafter, when the case was posted on 30.06.2022, the petitioner once again failed to appear before the trial Court, and the warrant was executed on 29.11.2024. In the meantime, the case against Accused No.2 was split up and resulted in conviction. The petitioner was arrested on 29.11.2024 and is currently facing trial in C.C. No. 162 of 2023. The learned Government Advocate (Criminal Side) would submit that if bail is granted, the petitioner may abscond again, thereby causing further delay in the trial proceedings. He would also submit that there are 14 previous cases against the petitioner, out of which 12 have ended in acquittal and two cases are still pending. Hence, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also taking note the quantity of contraband involved in this case, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of learned I Additional Special Court for NDPS Act Cases, Madurai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall furnish his residential address and mobile number to the learned I Additional Special Court for NDPS Act Cases, Madurai. If the petitioner changes his residential address, he shall report the same to the learned I Additional Special Court for NDPS Act Cases, Madurai.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders except on hearing dates. On hearing dates, the petitioner shall appear before the Trial Court without fail.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with



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law as if the conditions have been imposed and the petitioner released on bail by the
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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*.

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS, 2023.

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

sd/-
24/06/2025

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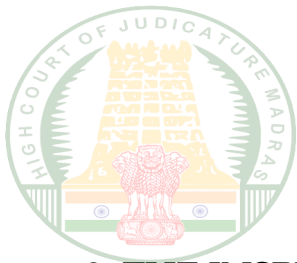
/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



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

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

+1. CC to M/S. KANNAN GURUSAMI Advocate SR.No.6682 (I) DT.24/06/2025

ORDER
IN
CRL OP(MD) No.9681 of 2025
Date :24/06/2025

NM/24.06.2025 6P/6C

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