



CRL OP(MD).No.10092 of 2025

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

Date : 30/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

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1.Muthuramalingam @ Kundumani,
S/o.Utchimahali Thevar,

2. Thiruppathi @ Kavathu Thiruppathi,
S/o.Utchimahali Thevar,

3. Selvaganesh,
S/o.Chithiravelpandian

..Petitioners/ Accused
Nos.1,3 and 4

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Jaihindpuram Police Station,
Madurai city.
(Cr.No.285 of 2020)

.. Respondent/ Complainant

For Petitioner : Mr.R.Anand
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :- For Bail in Crime No.285 of 2020 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioners / Accused Nos.1,3 & 4, who were arrested and remanded to judicial custody on 30.01.2025 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(c) and 29(1) of NDPS Act in Cr.No.285 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.03.2020 at about 10.30p.m near Madurai to Thiruparankundram Road, adjacent to Thevarpalam, the respondent police had conducted surveillance, at that time, they recovered ganja for a quantity of 7 Kilograms and subsequently on the basis of the confession statement of the first accused, additionally 15 Kilograms of ganja is said to have been recovered. Hence, the case.

3. The learned counsel for the petitioners would submit that earlier these petitioners were arrested and later enlarged on bail by the Trial court with certain conditions. The said conditions have been scrupulously complied and subsequently



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it was relaxed by the trial Court. In the meantime, the trial was commenced before the trial Court. While so, the petitioners felt that before the learned Presiding Officer, they may not be in a position to effectively present their case. Hence, they have filed a Criminal Original Petition in Crl.O.P.(MD).Nos.8371 & 9631 of 2024 seeking to transfer the case in C.C.No.223 of 2020 pending on the file of the learned I Additional District Judge for NDPS Act Case, Madurai to any other court having competent jurisdiction in other districts.

3.1. He further submits that during the course of hearing before the trial Court, the pendency of the aforesaid transfer petitions have been informed before the trial Court. However, the learned Presiding Officer proceeded to examine the witnesses. It was also intimated before the learned Trial Court on the date of hearing and thereby requested to defer the examination of other witnesses. Unfortunately, the learned trial Court has taken the approach of the petitioners with regard to their filing of transfer petition and raising additional grounds, as an act on the part of the accused persons intending to protract the proceedings and hence the trial Court invoked the provision of 309 of Cr.P.C and on 30.01.2025 i.e, on the date of hearing, even without giving notice to the petitioner and without providing sufficient opportunity to the petitioners, the trial Court cancelled the bail and committed the



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accused persons to prison.

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3.2. Thereupon, a bail application has been filed in Crl.M.P.No.353 of 2025 before the concerned trial court and the same was kept pending for a longer period without disposing the same. When the transfer petition came for hearing, this Hon'ble court called for explanation from the learned Trial Judge on the additional grounds raised and directed the trial Court to dispose the bail application within a period of one week from the date of receipt of a copy of the order. Aggrieved by the said order, the learned trial Judge vide order dated 14.03.2025, has dismissed the bail application and observed that there was a connivance by the advocates who appeared for the accused so as to drag the proceedings. Further, during the course of hearing of the transfer petitions in Crl.O.P.(MD).Nos.8317 and 9631 of 2024 i.e., on 21.03.2025, this Hon'ble Court was pleased to Stay all further proceedings of the said case. This petitioners have filed a bail petition before this Court and the same was dismissed as withdrawn.

3.3. The petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. This petition is the second bail application. The petitioners are ready and willing to abide any stringent conditions that may be imposed by this Court. He would further submit that the petitioners are in custody



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from 30.01.2025. Hence, he seeks bail.

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4. The learned Government Advocate (Criminal Side) would submit that the petitioners were found in possession of commercial quantity of Ganja. Earlier, the petitioners have filed bail petition before the trial Court and obtained bail order from the Trial Court. In the meantime, the petitioners have filed transfer petition before this Court and prayed to transfer the case in C.C.No.223 of 2020 on the file of the I Additional District Judge for NDPS Act cases, Madurai to any other court having competent jurisdiction in other districts. While hearing the said transfer petition, this court directed the trial court to dispose of the bail application within a period of one week. The trial court vide order dated 14.03.2025, had dismissed the bail application. From the year 2020 onwards, the said case is pending before the Trial Court, the petitioners have filed transfer petitions only to drag on the proceedings. At this stage, the petitioners have to face the trial. There are some previous case pending against these petitioners. Hence, he strongly objected to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also



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taking note of the fact that it is the case of the year 2020 and these petitioners were already arrested and subsequently released on bail, already interim stay was ordered by this Court and stayed the proceedings in C.C.No.223 of 2020 on the file of the I Additional District Judge for NDPS Act Cases, Madurai in CrI.O.P.(MD). Nos.8317 & 9631 of 2024 on the file of this Court, already the trial was commenced, at this stage, further custody of the petitioners are not at all necessary, the petitioners/accused Nos.1,3 & 4 were remanded into judicial custody on 30.01.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of I Additional Special Court for Trial of 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 petitioners shall furnish their residential address and contact number to the I Additional Special Court for Trial of NDPS Act Cases, Madurai. If the petitioners changes their residential address, they shall report the same to the I



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Additional Special Court for Trial of NDPS Act Cases, Madurai;

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[c] the petitioners shall appear and sign before the I Additional Special Court for Trial of NDPS Act Cases, Madurai on all working days at 10.30 a.m., until further orders.

[d] the petitioners shall not abscond during trial.

[e] the petitioners shall not tamper with evidence or witness during 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 law as if the conditions have been imposed and the petitioner released on bail by the 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 BNS.

sd/-
30/06/2025

/ TRUE COPY /

02/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1. The I Additional Special Judge for Trial of NDPS Act Cases, Madurai
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police, Jaihindpuram Police Station, Madurai City.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ANAND, Advocate (SR-6928[I] dated 30/06/2025)

ORDER

IN

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Date :30/06/2025

HPS/02.07.2025 /8P/6C

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