

CRL OP(MD). No.10026 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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1.Asan Ali,
S/o.Mohamed Yusuf

2.Mohamed Yasar,
S/o.Mohamed Yusuf

...Petitioners / A1 and A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Gandhi Market Police Station,
Trichy City.
(Crime No.197 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.K.M.Karunakaran,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.



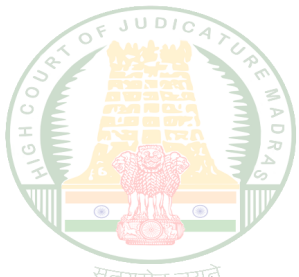
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PRAYER :- For Bail in Crime No.197 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / accused nos.1 and 2, who were arrested and remanded to judicial custody on 01.05.2025 and 02.05.2025 respectively for the offences under Sections 123 of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Section 18(c) of the Drugs and Cosmetics Act, 1940, in Crime No.197 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant, who is the Inspector of Police, has lodged a complaint against the petitioners. He alleged that, on 01.05.2025 at about 09:45 hours, based on a piece of secret information received regarding the sale of drug tablets by an individual in Tharapuram, the respondent police immediately conducted a raid near the sewage water drain bridge at Tharapuram. During the raid, the respondent police noticed that the 1st petitioner herein matched the description of the suspect. On seeing the police, he attempted to escape but was surrounded and apprehended by the respondent police. Upon further investigation, it was found that the individual was selling Tapentadol Hydrochloride Tablets 100 mg (Tanydol) as drug tablets for Rs.300 each. Subsequently, the 1st



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accused gave a confession statement before the respondent police, in which he implicated the 2nd petitioner in the case. The 1st accused was arrested at the place of occurrence. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. He would further submit that the petitioners are in custody from 01.05.2025 and 02.05.2025 respectively. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally two accused persons in this case and the petitioners have been arrayed as A1 and A2. He would further submit that A1 has ten previous cases of a similar nature, and A2 has nine previous cases, out of which six are of a similar nature. He, however, would submit that though the material part of the investigation has been completed, at this stage, if bail is granted to the petitioners, they will abscond and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioners.

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



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

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Trichy, 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 mobile number to the learned Judicial Magistrate No.V, Trichy. If the petitioners changes their residential address, they shall report the same to the learned Judicial Magistrate No.V, Trichy.



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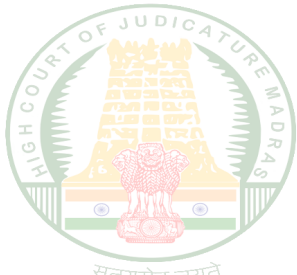
[c] the petitioners shall appear and sign before the respondent police daily twice at 10.30 a.m. and 05.30 p.m. until further orders.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 of BNS, 2023.



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

sd/-
17/06/2025

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17/06/2025

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

PAL

TO

1 THE JUDICIAL MAGISTRATE NO.V
TRICHY.,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.

3 THE INSPECTOR OF POLICE, GANDHI
MARKET POLICE STATION,
TRICHY CITY

4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-6371[I] dated 17/06/2025)



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ORDER
IN
CRL OP(MD) No.10026 of 2025
Date :17/06/2025

SS/SAR- /17/06/2025/ 7P/7C

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