

CRL OP(MD). Nos.10260 & 10263 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). Nos.10260 & 10263 of 2025

Vaishnavi,
W/o.Rajsekar

... Petitioner in
Crl.O.P.(MD).No.10260 of 2025/ A3

Selvi,
W/o.Rasuthevar

... Petitioner in
Crl.O.P.(MD).No.10263 of 2025/ A4

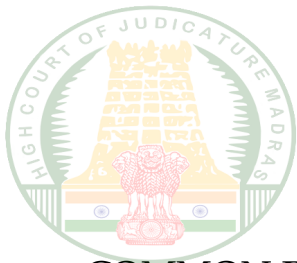
Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.144 of 2025)

... Respondent/Complainant
in both petitions

For Petitioner : Mr.S.M.A.Jinnah,
(in both petitions) Advocate

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



COMMON PRAYER :-

For Anticipatory Bail in Crime No.144 of 2025 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/ A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 8(c), 20(b)(ii)(B) and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.144 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 11.06.2025, based on secret information regarding the sale of ganja near the Nagamaniyamman Temple, Kombai Road, Cumbam, the respondent police conducted surveillance. At that time, the 1st and 2nd accused were found standing with a white plastic bag each. Upon noticing the respondent police, they attempted to flee but were apprehended. On searching the plastic bags, the police found that the accused were in illegal possession of 2 kilograms of ganja each. Hence, the present complaint.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. They have been implicated solely based on the confession of the 1st accused. No contraband has been recovered from the petitioners. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there are totally four accused persons in this case and the petitioners have been arrayed as A3



and A4. A1 and A2 were arrested and are still under custody. The allegation against the petitioners is that they shared money with the 1st accused for the purpose of purchasing contraband. He further submitted that no contraband was recovered from the petitioners, and the entire contraband was recovered only from the 1st and 2nd accused. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and taking note of the quantity of contraband seized, and that the entire contraband was recovered only from the 1st and the 2nd accused, who have already been arrested and are still in custody, and that the petitioners are not directly involved in the offence and the only allegation against the petitioners is that they shared money with the co-accused for purchasing contraband, this court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Principal Special Court for NDPS and EC Cases, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Principal Special Judge for NDPS and EC Cases,



Madurai, failing which, the petitions for anticipatory bail shall stand dismissed and
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on further condition that:

(a) the petitioners and 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;

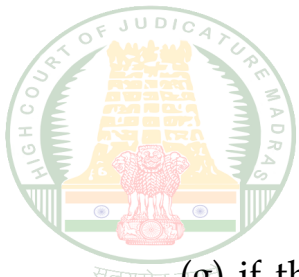
(b) the petitioners shall furnish their residential address and mobile number to the learned Principal Special Judge for NDPS and EC Cases, Madurai. In the event of any change in their residential address, the petitioners shall report the same to the learned Principal Special Judge for NDPS and EC Cases, Madurai;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond 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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560] and;



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(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered
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under Section 269 of BNS, 2023.

7. Accordingly, these Criminal Original Petitions are allowed.

sd/-
26/06/2025

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

MKN

TO

1 THE PRINCIPAL SPECIAL JUDGE FOR NDPS AND EC CASES,
MADURAI.

2 THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

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

+2. CC to MR.S.M.A.JINNAH, Advocate SR.No.6845,6846 (I) DT.27/06/2025

ORDER IN
CRL OP(MD). Nos.10260 & 10263 of 2025
Date :26/06/2025

SA/SAR. /08.07.2025/5P/6C

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