



CRL OP(MD).No.11137 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.08.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Benis Victor @ Benish Elgin

.. Petitioner/ Accused No.3

Vs

State of Tamil Nadu,
Rep. by the Sub-Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(Crime No.114 of 2025)

.. Respondent/ Complainant

For Petitioner : Mr.S.C.Herold Singh

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.114 of 2025 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who 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 Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.114 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.06.2025, when the respondent police with his party in their regular vehicle check, they waylaid a vehicle bearing Registration No. TN 10 BL 2129 plying from Kumarapuram to Chithirancode and found that the accused person A1 and A2 have illegally transported 1.110 kgs of Ganja and the same was recovered by the respondent police. Based on the confession of arrested accused, the petitioner was implicated in this case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that based on the confession of A1, the petitioner was falsely implicated in this case. He further submitted that A1 had already been released on bail by the Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, in CrI.M.P.No.2398 of 2025 dated 11.07.2025. He further submitted that the petitioner is ready and willing to abide by any conditions



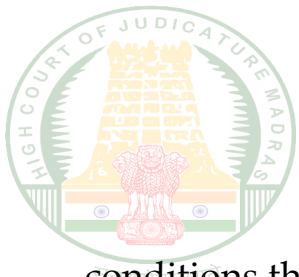
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which may be imposed by this Court. Hence, he seeks anticipatory bail to the
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petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the entire contraband has been recovered and there is no previous case pending against the petitioner. He further submitted that the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the entire contraband has been recovered and the investigation has been almost completed and co-accused had already been released on bail by the trial Court. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Padmanabhapuram, Kanyakumari District, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate Court No.I, Padmanabhapuram, Kanyakumari District, and on further



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conditions that:

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(a) the petitioner 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;

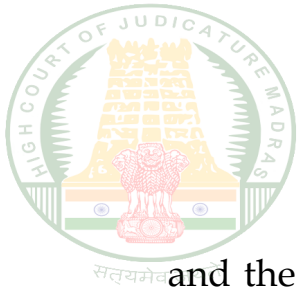
(b) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate Court No.I, Padmanabhapuram, Kanyakumari District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate Court No.I, Padmanabhapuram, Kanyakumari District.

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

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed



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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]; and;

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

sd/-
14/08/2025

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

msrm
To

- 1.The Judicial Magistrate No.I,
Padmanabhapuram, Kanyakumari District.
- 2.The Sub-Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-8867[I] dated 18/08/2025)

ORDER
IN
CRL OP(MD) No.11137 of 2025
Date :14/08/2025

AS/10.09.2025/6P/5C

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