



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24-10-2025**

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 17710 of 2025

Mithun @ Mithunmanickam

Petitioner(s)

Vs

The State of Tamilnadu Rep. by
The Inspector of Police, S.S.Colony Police Station,
Madurai City.

(Crime No. 2361 of 2020)

Respondent(s)

For Petitioner(s): Mr.J.Vijayaraja

For Respondent(s): Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor

Prayer:C-32B. To enlarge the petitioner on bail in C.C.No.705 of 2023 on the file of the learned 1st Additional District Judge, Special Court for NDPS Case, Madurai in connection with Crime No. 2361 of 2020 on the file of the respondent police.

ORDER: The Court made the following order :-

The petitioner/Accused No.5, who was arrested and remanded to judicial custody on 19.01.2024 for the offences punishable under Sections 8(c) read with 20(b)(ii)(c), 25, 29(1) of NDPS Act in C.C.No.705 of 2023 on the file of the Learned 1st Additional District Judge, Special Court for NDPS Case, Madurai in connection with Crime No. 2361 of 2020 on the file of the respondent police, seeks bail.

2.The present petition for bail is filed by A5. Originally, Crime

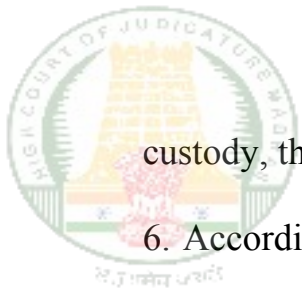


No.2361 of 2020 was registered against eight accused persons and it was registered as C.C.No.231 of 2021. In the said parent case, A1, A2 and A3 were convicted and were sentenced to undergo 14 years rigorous imprisonment. However, A4, A6, A7 and A8 were acquitted. The present petitioner was absconding. Therefore, a split up case was drawn in C.C.No.705 of 2023.

3.The contention of the petitioner is that A4, A6, A7 and A8 were arrayed based on confession by the co-accused and they were acquitted. The petitioner is also arrayed based on confession. Therefore, similar treatment is sought for the petitioner also. The petitioner is undergoing incarceration for more than one and half years.

4.It is seen that it is a case of jumped out bail. Moreover, Section 37(i), the petitioner cannot be convicted based on the confession of the co-accused alone. Also, A4, A6, A7 and A8 were acquitted, since they were implicated based on confession of the co-accused. Therefore, the petitioner is satisfying Section 37(i). However, the previous antecedents of the petitioner is alarming, since he is having 9 cases under I.P.C.

5.Considering the facts and circumstances and considering the duration of the



custody, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on 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 the learned 1st Additional District Judge, Special Court for NDPS 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/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b)the petitioner shall stay at Chengalpattu and report before the Chengalpattu Town Police Station, Chengalpattu, daily at 05.30 p.m. until further orders. The petitioner shall report before the Dean of the Government Hospital, Chengalpattu daily at 10.00 am and shall do social service at the Government Hospital, Chengalpattu until further orders;

c)the petitioner shall not tamper with evidence or witness;

d)the petitioner shall not abscond during trial;

e)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].

f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

24-10-2025

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To

1. The Inspector of Police
S.S.Colony Police Station,
Madurai City.

2. 1st Additional District Judge, Special Court for NDPS Cases, Madurai.

3. Central Prison, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

5. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.

6. The Dean,
Government Hospital, Chengalpattu.