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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.22233 of 2024

R.Saravanan

... Petitioner/ Accused No.9

Vs

The State of Tamil Nadu,
Rep. by The Sub-Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Crime No.451/2024.

... Respondent/Complainant

For Petitioner : Mr. Prabhakaran.G,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-32B For Bail in Crime No.451 of 2024 on the file of the respondent-police.

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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 13.12.2024 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Accused No.9 was arrested and remanded to judicial custody on 30.08.2024 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.451 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that on 10.07.2024, at 07:40 p.m., the defacto complainant, a Sub-Inspector of Police, along with his team, was surveilling near Bhurndha Nagar Granite Quarry. They found that seven accused persons were trafficking 21 kg of ganja on three two-wheelers bearing Registration Nos.TN-64-X-0078, TN-59-CH-3195, and TN-64-P-3372. The police arrested the accused and seized the ganja. Based on the confession of A1, the petitioner was named as A9 and arrested on 30.08.2024.

4. Mr.G. Prabhakaran, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that based on the confession said to have been given by A1, the petitioner herein has been arrayed as an accused and there are no materials available in this crime as against the petitioner. He further



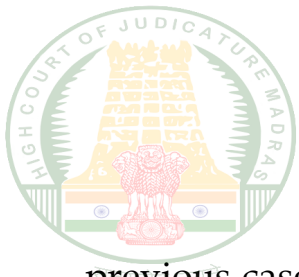
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submits that the respondent-police has concluded the investigation and filed a charge sheet before the Special Court for EC and NDPS Act cases, Madurai and the same is posted for trial. He further submits that the petitioner has been in judicial custody since 30.08.2024. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that there are sufficient materials to show that the petitioner has committed the offence. He further submits that four previous cases are pending against the petitioner. He further submits that since the respondent-police seized 21 kgs. of ganja, which is a commercial quantity, the petitioner has not satisfied the twin conditions stipulated in Section 37 of the NDPS Act. He further submits that the case is posted for trial on 01.03.2025 and the trial will be concluded within a short period of time. He further submits that at this stage, if the bail is granted to the petitioner, the petitioner may abscond and thereby delay the trial proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the materials on record.

7. Admittedly, the petitioner was arrested on 30.08.2024. No contraband was seized or recovered from the petitioner herein. Though the petitioner has four previous cases, they are all related to IPC offenses and gambling, and there is no



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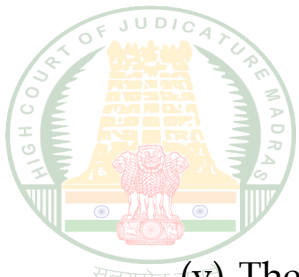
previous case of a similar nature. On perusal of the records, this Court is of the view that the petitioner has established a prima facie case. To be noted, this view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not prejudice the rights of the prosecution to establish its case during the trial. Considering the above, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judge, Special Court for EC and NDPS Act cases, Madurai.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judge, Special Court for EC and NDPS Act cases, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;



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(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judge, Special Court for EC and NDPS Act cases, Madurai;

(vii) The petitioner shall appear before the learned Judge, Special Court for EC and NDPS Act cases, Madurai, on all working days at 10:00 a.m. until further orders, and shall appear on all hearing dates when the Court requires the petitioner's presence;

(viii) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(x) On breach of any of the aforementioned conditions, the learned Judge, Special Court for EC and NDPS Act cases, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
25/02/2025

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25/02/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE SUB-INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

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

+2 CC to M/s.G.PRABHAKARAN, Advocate (SR-2038[I] dated 25/02/2025)

ORDER

IN

CRL OP(MD) No.22233 of 2024

Date :25/02/2025

NBF /SAR/ (25/02/2025) 6P/7C

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