



CRL OP (MD) No.22667 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.22667 of 2024

R.Tamilselvan

... Petitioner/ A4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Padalur Police Station,
Perambalur District.
Crime No.229 of 2023

... Respondent/Complainant

For Petitioner : Mr.N.A.Manimaran,

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.229 of 2023 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 18.12.2024 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.4 was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.229 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 11.07.2023, at about 4:30 a.m., when the defacto complainant, Sub-Inspector of Police, along with his team, was on surveillance near Chettikulam Dhanalakshmi Petrol Bunk, they found a car and an auto bearing registration Nos.TN-61-A-4951 and TN-46-K-9723 respectively, and that the petitioner and other accused persons were exchanging bags from one vehicle to another. The police apprehended them and found that they were in possession of 20.770 kgs of ganja in the vehicles. The respondent-police seized the vehicles. Hence, the case.

4. Mr.N.A.Manimaran, the learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false

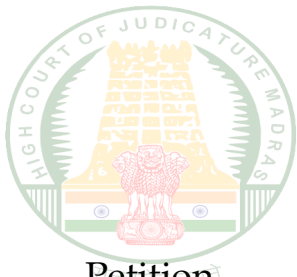


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case has been foisted against the petitioner. He further submits that no contraband was recovered from the petitioner (A4) and that there is no evidence to establish the nexus between the petitioner (A4) and the alleged recovery of ganja. However, he submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 11.07.2023. Hence, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner is one of the prime accused persons, and that the petitioner, along with the other accused persons, purchased the ganja for re-sale and, while transporting the ganja, they were arrested by the respondent-police. He further submits that, in the present case, after investigation, final report was filed in C.C.No.30 of 2024 on the file of the learned II Additional District Judge, Special Court for NDPS Act Case, Pudukkottai, and the case is pending trial. He further submits that the petitioner is a habitual offender and that there are already 14 previous cases against the petitioner and therefore, in view of the antecedents of the petitioner and in view of the rigors of Section 37 of NDPS Act, the petitioner is not entitled to be enlarged on bail. He therefore submits that if the petitioner is enlarged on bail, he will abscond, commit similar offences, and cause threat to witnesses. He therefore prays for dismissal of this Criminal Original



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Petition.

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6. Heard on both sides and this Court has perused the case file and connected papers.

7. It is true that the co-accused person / A9 was enlarged on bail by this Court vide order dated 14.03.2024 in CrI.O.P.(MD)No.3684 of 2024 and A6 and A7 were enlarged on bail by this Court vide order dated 27.03.2024 in CrI.O.P.(MD)Nos.4536 & 4600 of 2024 respectively. However, the present petitioner has 14 previous cases. Moreover, the quantity involved in the present case is commercial quantity. Since A1 to A4 are still in custody and facing trial, it is not appropriate to grant bail to the petitioner. In view of the antecedents of the petitioner, this Court is of the considered view that the petitioner has not established prima facie case for grant of bail. On the other hand, there are sufficient materials available on record to show that the petitioner is involved in the present crime. Hence, the apprehension of the prosecution that, if bail is granted to the petitioner, he will abscond is quite reasonable and acceptable. Hence, this Court is not inclined to grant bail to the petitioner.

8. This Court has perused the e-Court website and it is learnt that the co-accused, namely, A8 filed discharge petition in C.M.P.No.331 of 2025 and the same



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was dismissed on 12.03.2025. Now, the case is posted to 25.03.2025 for framing of charges. Further, it is learnt that, in this case A1 to A4 are in jail. In view of the facts and circumstances, this Court directs the Trial Court to conclude the trial as early as possible preferably within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, this Criminal Original Petition is dismissed.

sd/-
19/03/2025

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/04/2025
Sub-Assistant Registrar (C.S.I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE II ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR NDPS ACT CASES ,
PUDUKOTTAI.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, TRICHY.

3 THE INSPECTER OF POLICE
PADALUR P.S. PERAMBALUR DISTRICT



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

ORDER
IN

CRL OP(MD) No.22667 of 2024
Date :19/03/2025

PP//SAR-(15.04.2025) 6P 5C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023