



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13366 of 2026

Siva @ Sivakumar @ Kunnal
S/o.Elumalai,
Panamadakki Village and Post,
Lathiri, Kadpadi Taluk,
Vellore District.

..Petitioner / Accused

Vs

State rep. by The Inspector of Police
Latheri Police Station,
Vellore District.
(Crime No.438 of 2012).

..Respondent /
Complainant

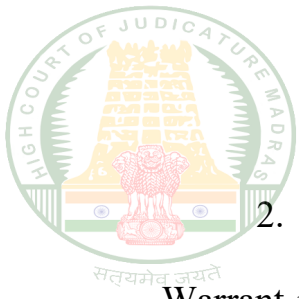
PRAYER:- Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to grant bail to the petitioner in the event of his arrest in C.C.No.14 of 2019 on the file of the learned Additional District Court and Special Court for EC and NDPS Act cases, Salem in Crime No.438 of 2012 on the file of the respondent Police.

For Petitioner: Mr.P.Pugalenth

For Respondent: Mr.A.Gopinath,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 19.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



2. The petitioner/Accused apprehends arrest pursuant to the Non Bailable Warrant issued against him on 27.09.2019 in C.C.No.14 of 2019 on the file of the Additional District Court and Special Court for EC & NDPS Act Cases, Salem. registered on the file of the respondent-police for the alleged offences punishable under Sections 8(c) r/w 20(a)(i) and 20(b)(ii)(B) of the NDPS Act, 1985.

3. Mr.P.Pugalthi, learned counsel for the petitioner, submits that the petitioner/Accused is facing trial in C.C.No.14 of 2019 pending on the file of the Additional District Court and Special Court for EC & NDPS Act Cases, Salem. He further submits that the petitioner was not aware of the issuance of the Non Bailable Warrant by the learned Additional District Court and Special Court for EC & NDPS Act Cases, Salem. He further submits that no summons has been served on the petitioner by the respondent police and, without proper service of summons, the learned Trial Court issued a Non Bailable Warrant on 27.09.2019. Apprehending arrest pursuant to the said warrant, the present petition has been filed seeking for anticipatory bail to the petitioner.

4. *Per contra*, Mr.L.Baskaran, learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the petitioner failed to appear before the Additional District Court and Special Court for EC & NDPS

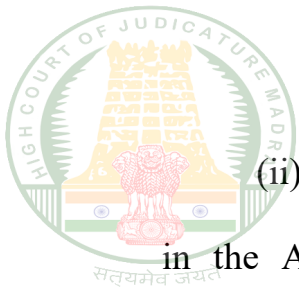


Act Cases, Salem. on 27.09.2019, pursuant to which a Non-bailable Warrant was issued against him. Hence, he opposes the grant of anticipatory bail and accordingly, he prays to dismiss the petition.

5. Heard on both sides. This Court has perused all the materials available on record.

6. Considering the fact that the petitioner was already granted bail, and thereafter, due to his non appearance before the Trial Court, Non-Bailable Warrant was issued against him on 27.09.2019 and also considering the facts and cumulative circumstances of the case, this Court is of the view that one more opportunity may be given to the petitioner. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the Additional District Court and Special Court for EC & NDPS Act Cases, Salem, within a period of 15 days from the date of receipt of a copy of this order, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Additional District Court and Special Court for EC & NDPS Act Cases, Salem.



(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 Additional District Court and Special Court for EC & NDPS Act Cases, Salem shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The petitioner shall appear before the Trial Court daily at 10.30 a.m, on all hearing dates without fail.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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 them from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Trial Court.



(viii) The petitioner shall furnish his residential address and mobile number to the Additional District Court and Special Court for EC & NDPS Act Cases, Salem.

(ix) On breach of any of the aforementioned conditions, the Additional District Court and Special Court for EC & NDPS Act Cases, Salem is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]*.

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

21-05-2026

DRL

Note:

1. Registry is directed to forthwith upload this order on the Official Website of this Court.

2. All concerned to act on this order being uploaded on Official Website of this Court without insisting on certified hard copies. To be noted, this order, when uploaded on the official website of this Court, will be watermarked and will also have a QR code.



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To

1.The Additional District Court and Special
Court for EC & NDPS Act Cases, Salem.

2.The Inspector of Police,
Latheri Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

DRL

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