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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 27194 of 2026

CNR:{HCMA012232922026}

1. Mohamed Afrath
S/o Mr. Anvar Saleem, No.77/6C,
Mosque Street, Thittuvillai,
Bhoothapandy, Thovala, Kanyakumari
District.

Petitioner(s)

Vs

1. State Rep by the Inspector of police
B-5, Manavala Nagar Police Station,
Thiruvallur. Cr.No.201 of 2025

Respondent(s)

CRL OP No. 27194 of 2026

PRAYER

To set aside the remand order and call for the records in crime No. 201 of 2025 on the file of the respondent and pass such further or other orders as deemed fit in the proper circumstances of the case and thus render justice.

CRL OP No. 27194 of 2026

For Petitioner(s): Mr. K.Subburaj

For Respondent(s): Mr. A. Amarnath
Additional Public Prosecutor

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This Criminal Original Petition has been filed, challenging the order of remand dated 10.11.2025 passed as against the petitioner by the learned Judicial Magistrate II, Thiruvallur, in Crime No.201 of 2025.

2. The case of the prosecution is that the petitioner and other accused persons were found with illegal possession of 199 grams of methamphetamine, 40 numbers of MDMA tablets weight 26 grams and 39 grams of white color salt type drug and 8 kgs of Ganja and also with joint possession of 75 grams of Methamphetamine. Pursuant to the registration of FIR, they were arrested and remanded to judicial custody on 10.11.2025.

3. The learned counsel appearing for the petitioner submitted that the grounds of arrest were not furnished to the petitioner in writing as mandated in the Constitution and in Section 50 of the Cr.P.C., which is reiterated by the Hon'ble Supreme Court in several judgments and even in the latest judgment in ***Mihir Rajesh Shah V. State of Maharashtra and Another, reported in 2025 SCC Online 2356***. Hence, he prayed to allow this petition.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the respondent police had followed the mandatory procedures for arrest ; that the petitioner was informed on the grounds of arrest and since the

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respondent has duly complied with the Constitutional and Statutory requirements, the learned Magistrate was justified in remanding the petitioners and therefore, the impugned orders are not liable to be set aside.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, in the present case, the accused was not served with any written grounds of arrest, therefore, the arrest and subsequent remand order would be rendered illegal as reiterated by the Hon'ble Supreme Court of India in ***Mihir Rajesh Shah's*** case cited supra. Hence, this Court is inclined to set aside the remand order passed against the petitioner. Accordingly, the remand order dated 10.11.2025 passed as against the petitioner by the learned Judicial Magistrate II, Thiruvallur, in Crime No.201 of 2025, is hereby set aside. The petitioner shall be released forthwith on the following conditions :

(a) 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 learned I Additional Special Judge, Special Court under EC and NDPS Court, Chennai.

(b) The petitioner and the sureties shall affix their photographs and Left Thumb Impressions in the surety

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bonds and the trial Court may obtain a copy of their Aadhaar card or Bank Pass Book or mobile number to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

7. In the result, this Criminal Original Petition stands allowed.

28-10-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1. The Judicial Magistrate II, Thiruvallur.

2. The I Additional Special Judge, Special Court
under EC & NDPS Court at Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor, Madras High Court.

5. The Inspector of police
B-5, Manavala Nagar Police Station,
Thiruvallur. Cr.No.201 of 2025

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G.K.ILANTHIRAIYAN J.

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