



Crl.O.P.(MD)No.10670 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.06.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 10670 of 2026

Mahabarathy

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Silaiman Police Station,
Madurai City. Crime No.377 of 2022.

...Respondent/Complainant

For Petitioner : Mr.J.Vijayaraja
Advocate

For Respondent : Mr.G.Ganesh Kumar
Government Advocate (Crl. Side)

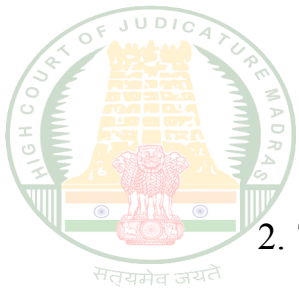
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.377 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 24.10.2022, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 29 (1) of NDPS Act, in Crime No.377 of 2022, on the file of the respondent police, seeks bail.

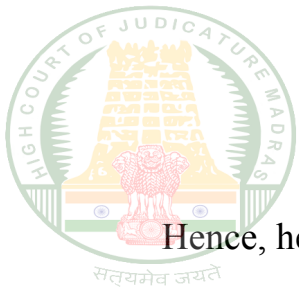


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2. The case of the prosecution is that on 24.10.2022 at about 06.30 a.m., on secret information the police officials went to the occurrence spot, they found that the petitioners are in possession of 22.500 kilograms of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. Though the quantity involved in this case is commercial quantity, the petitioner is in custody for 4 years. The trial is also pending before the trial Court. The learned counsel appearing for the petitioner relied on the judgment of the Hon'ble Supreme Court in the case of *Ankur Chaudhary vs. State of Madhya Pradesh in Special Leave to Appeal (crl.) No.4648 of 2024* . Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (crl. Side) appearing for the respondent would submit that the offence are grave in nature. The quantity involved in this case is commercial quantity. The petitioner has 6 previous cases including one NDPS Act Case under small quantity. Investigation has been completed and charge has also been filed before the concerned Court.



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Hence, he opposed the grant of bail to the petitioner.

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5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, though the quantity involved in this case is commercial quantity, the petitioner is in custody from 24.10.2022, no trial has been commenced so far and no possibility to complete the trial within short span of time, though the prosecution has stated that the petitioner has 6 previous cases including one NDPS Case, for small quantity, in that case already he was granted bail and also taking into consideration the judgment relied on by the learned counsel appearing for the petitioner in the case of *Ankur Chaudhary.vs. State of Madhya Pradesh in Special Leave to Appeal (crl.) No.4648 of 2024*, Wherein the Hon'ble Supreme Court has observed that it is to observe that failure to conclude the trial within a reasonable time in prolonged incarceration militates Article 21 of the Constitution of India and as such conditional liberty overriding the statutory embargo created under Section 37(1)(b) of the NDPS Act, in such circumstances, be considered, in the case of hand also the case is



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posted for trial and so far the trial has not been concluded and there is no scope

to conclude the trial within the short time, this Court is inclined to grant bail to

the petitioner subject to the following conditions:

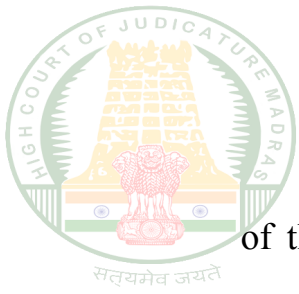
[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Additional District and Sessions Judge for Special Court for Communal Clash Cases, Madurai**, and on further conditions that:

[b] the petitioner shall report before the learned **Additional District and Sessions Judge for Special Court for Communal Clash Cases, Madurai**, at 10.30 a.m. and 05.00 p.m., on all working days, until further orders:

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts



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of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(P D B J)
23.06.2026

TM

To

- 1.The Additional District and Sessions Judge for Special Court for Communal Clash Cases, Madurai.
- 2.The Inspector of Police,
Silaiman Police Station,
Madurai City.
Crime No.377 of 2022.
- 3.The Superintendent, Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J.

TM

ORDER
IN
CRL OP(MD) No. 10670 of 2026

Date : 23.06.2026