



CRL OP(MD). No.12452 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.12452 of 2025

M.Nitheesh Kumar

... Petitioner/
Accused No.2

Versus

The State of Tamil Nadu,
Represented by the Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
(Crime No.377 of 2024

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to release the petitioner on bail in C.C.No.36 of 2025 on the file of the learned Additional District and Sessions Judge EC NDPS Pudukkottai, Pudukkottai District connection with Crime No.377 of 2024, pending on the file of the respondent police.

For Petitioner : Mr.C.Karthikeya

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER : The Court makes the following order :-

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The petitioner/A2, who was arrested and remanded to judicial custody on 18.08.2024 for the offences punishable under Sections 294(b), 121 (1), 351 (3) of BNS Act and r/w 8 (c), 20(b)(ii) (c) of NDPS Act and 25(1B) (b) of Arms Act, in Crime No.377 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.08.2024, at about 05.30 a.m, based on secret information received by the respondent – police, about the illegal transportation of ganja in the car bearing Registration No.TN-64B-1859 rushed to the spot at Kalayarkovil to Kallal road and the respondent police tried to stop the car and at that point of time the car hit over a survey stone and came to a halt and immediately the respondent police surrounded the car and found the accused in the car and the accused attacked the Sub Inspector Guhan with deadly weapon and he got injured in his left hand and in order to prevent them from escape, the respondent police opened fire and shot A1 in his left leg. Thereafter, the respondent police recovered two sacks in the dickey consisting contraband weighing about 22.900 kgs. After that the



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respondent police arrested A1. Based on the confession of A1 the petitioner was arrayed as accused in this case in Crime No.377 of 2024. Thereafter, investigation was completed and the final report was filed.

3. The learned counsel for the petitioner submits that the petitioner is not involved in the alleged offence and that a false case has been fabricated against them. He further contends that the petitioner was not involved in the incident, and it was admitted by the respondent police that the petitioner was involved in an encounter with Accused 1 (A1). As a result, a false case was registered to divert attention from the allegations of a fabricated encounter. Therefore, he prays for the grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent-police strongly opposed the bail application and disputed the petitioner's claim that the Inspector of Police fabricated the case to avoid the false allegations of a fake encounter. He further submitted that the petitioner, along with others, was travelling in the car, and a single fingerprint found in the car was consistent with the evidence against the



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petitioner. Furthermore, the confession of a co-accused has been recorded and six witnesses have already been examined. Furthermore, this petitioner/A2 has 17 previous cases, including one under the NDPS Act, and A3 has 14 previous cases, including one under the NDPS Act. In these circumstances, he prays for the dismissal of the Criminal Original Petition.

5. This Court heard the learned counsel appearing on either side and perused the materials placed on record.

6. The earlier bail application was dismissed as withdrawn on 03.03.2025 in CrI.O.P (MD) No. 23135 of 2024. The learned counsel for the petitioner submitted that the petitioner has been in incarceration from 18.08.2024. He further stated that the investigation has been completed, the trial has commenced, and material witnesses have already been examined. The counsel also expressed the view that the trial is unlikely to be completed in the near future. In light of these circumstances, he prayed for the grant of bail to the petitioner.



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7. This Court considering the rival submissions and perused the records found that there is a serious allegation against the petitioner and other accused were possession of 22.900 kgs of ganja and he has more previous cases and hence this court is not inclined to grant bail. The petitioner has failed to satisfy the requirements under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

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12.03.2026

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Note:

Issue order Copy on 21.04.2026



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To

1. The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Additional District and Sessions Judge
for EC and NDPS Act Cases,
Pudukkottai, Pudukkottai District.

K.K.RAMAKRISHNAN,J.

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ORDER
IN
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Date : 12.03.2026
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