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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2026

CORAM

THE HON'BLE MR. JUSTICE K.MURALI SHANKAR

CRL OP(MD) Nos. 25139 & 25190 of 2026

CNR:{HCMD011576802026}

Sivanesan @ Abi

..Petitioner
in CrlOP(MD)No.25139
of 2026

Asaithambi @ Asaipandi

..Petitioner
in CrlOP(MD)No.25190
of 2026

Vs

State Of Tamilnadu Rep By
The Inspector Of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.376 of 2026)

..Respondent
in both the petitions

PETITIONS FOR BAIL Under Section 483 BNSS.

Common Prayer : For Bail in Crime No.376 of 2026 on the file of the Respondent Police.

For Petitioner(s) :Mr.K.M.Karunakaran
in CrlOP(MD)No.25139 of 2026

M/s.P.Krishnaveni
in CrlOP(MD)No.25190 of 2026

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For Respondent(s) :Mr.T.Lenin Kumar,
Additional Public Prosecutor
in both the petitions

COMMON ORDER

The petitioner in CrlOP(MD)No.25139 of 2026 / seventh accused, who was arrested and remanded to judicial custody on 21.09.2026 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 25(1) of the Arms Act, 1959 and Section 61(2) BNS, in Crime No.376 of 2026, on the file of the respondent police, seeks bail.

2. The petitioner in CrlOP(MD)No.25190 of 2026 / first accused, who was arrested and remanded to judicial custody on 21.09.2026 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, Section 25(1A) of Arms Act, 1959 and Section 61(2) BNS, in Crime No.376 of 2026, on the file of the respondent police, seeks bail.

3. When the matter is taken up today, the learned counsel appearing for the petitioner in CrlOP(MD)No.25139 of 2026 filed a memo stating that he wrongly mentioned the petitioner's name as ‘Sivanesan’ instead of ‘Sivanesan @ Abi’. The said memo is recorded

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and the necessary correction is carried out in the order.

4. The case of the prosecution is that on 20.09.2026, on receipt of secret information, the respondent police proceeded to the place of occurrence, where the informer identified a car bearing Registration No.TN-03-S-7053, which was parked there. On seeing the police, the petitioners and the fourth and fifth accused allegedly attempted to flee from the scene but were apprehended by the police. Upon searching the car, the police allegedly found 4.156 kgs of ganja and certain deadly weapons. Based on the confession statement allegedly given by the first accused, the respondent police proceeded to a shed situated near the house of the second accused, where the accused 6 and 8 were allegedly found in possession of 2.070 kgs of ganja and one patta kathi. The accused 2, 3 and 9 were implicated in the case based on the said confession statement. Hence, the complaint.

5. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and that a false case has been foisted against them. He would further submit that the petitioners are in judicial custody from 21.09.2026.

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6. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally nine accused in this case and the petitioners are arrayed as accused 7 and 1, that out of 6.226 kgs of Ganja, 4.156 kgs of Ganja was recovered from the joint possession of the petitioners and the accused 4 and 5 and 2.070 kgs of Ganja was recovered from the joint possession of the accused 6 and 8 and on the basis of the confession taken from the first accused, the accused 2, 3 and 9 were implicated and that the 8th accused is a juvenile. He would further submit that the petitioner in CrlOP(MD)No.25139 of 2026 is not having any previous cases and the petitioner in CrlOP(MD)No.25190 of 2026 is having 3 previous cases but not for similar offence.

7. Considering the above facts and circumstances and also the facts that the petitioners are in judicial custody from 21.09.2026, that the contraband seized is of intermediate quantity and that the petitioners are not having any previous cases for similar offence, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioner in Crl.O.P.(MD)No.25139 of 2026 is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties

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each for a like sum to the satisfaction of the Additional Sessions Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and the petitioner in Crl.O.P.(MD)No.25190 of 2026 is ordered to be released on bail on his executing 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 Judicial Magistrate, Pattukottai, Thanjavur District, and on further conditions that:

a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Sessions Judge / concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation;

c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

d) the petitioners shall not abscond either during investigation or trial;

e) On breach of any of the aforesaid conditions, the learned Magistrate / Sessions Judge / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are released

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on bail by the learned Magistrate / Sessions Judge / Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

f) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS, 2023.

04-11-2026

CSM

To

1. The Additional Sessions Judge, Special Court under Essential Commodities Act, Thanjavur.

2. The Judicial Magistrate, Pattukottai, Thanjavur District.

3. Do through the Chief Judicial Magistrate, Thanjavur.

4. The Officer-in-Charge, District Jail, Pudukkottai.

5. The Inspector Of Police, Pattukottai Taluk Police Station, Thanjavur District.

6. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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K.MURALI SHANKAR, J.
CSM

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