



WEB COPY



Crl.O.P.No.19017 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19017 of 2025

Kalaivendhan

... Petitioner/Accused

Vs.

State Rep. By
The Inspector of Police,
Thiruvankadu Police Station.
Mayiladuthurai District – 609 001.
(Crime No.121 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in Crime No.121 of 2024 in S.C.No.28 of 2025 on the file of the respondent police station.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Dinesh Kumar

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2024, for the offences punishable under Sections 3 and 5 of Explosive Substances Act, 1908 and Section 296(b) and 109 of BNS, 2023 in



CrI.O.P.No.19017 of 2025

connection with Crime No.121 of 2024, registered on the file of the
respondent, seeks bail.

WEB COPY

2. The case of the prosecution is that the petitioner hurled a petrol bomb on the de-facto complainant, thereby he sustained severe burn injuries and admitted in Sirkali Hospital. Hence, the case.

3. The contention of the learned counsel for petitioner is that the petitioner was in love with the de-facto complainant's second daughter, namely, Subashree, which was objected by her father, who is a Sub-Inspector of Police. Taking advantage of the position, he warned the petitioner often and also used force. But the petitioner continued his love affair with his daughter and she was also interested on the petitioner. The humiliation was such that the petitioner was said to have threw the petrol bomb, due to which, the de-facto complainant sustained burn injuries. It was projected that the petitioner caused disturbance to the public, hence the petitioner was detained under Tamil Nadu Act 14 of 1982 and the said order was revoked by this Court in H.C.P.No.305 of 2025 on 17.03.2025. He further submitted that the petitioner is in prison for more than 240 days. Now investigation completed, charge sheet filed. Hence, he prayed to grant bail to the petitioner.

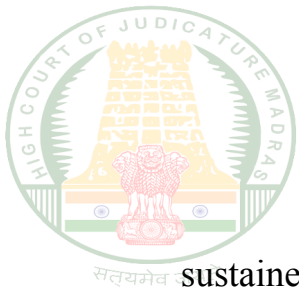


Crl.O.P.No.19017 of 2025

WEB COPY

4.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed for granting bail to the petitioner submitting that the petitioner, who is an agricultural coolie, had shown one side love with the de-facto complainant's second daughter and was constantly following her, despite the de-facto complainant opposing and warning him. On the date of occurrence he came in his bike and threw the petrol bomb inside the house, which caused burn injuries to the de-facto complainant. He further submitted that the petitioner has got no previous case. He further submitted that investigation in this case completed, charge sheet filed in S.C.No.28 of 2025 and the case is posted to 10.07.2025 for fixing of trial.

5.The learned counsel appearing for the de-facto complainant/intervenor submitted that the de-facto complainant is the Sub Inspector of Police. The petitioner constantly followed the de-facto complainant's second daughter. His second daughter complained to the de-facto complainant/father. The de-facto complainant on several occasions warned the petitioner, who was following his daughter for two years. Hence, the petitioner hurled two petrol bombs on the de-facto complainant, who



CrI.O.P.No.19017 of 2025

WEB COPY

sustained burn injuries all over his body and taking treatment as inpatient.

Further the intervenor produced the CCTV camera recordings on the date of incident confirming the petitioner alighting from his bike and throwing petrol bomb on the de-facto complainant.

6.Considering the submissions made and on perusal of the material, it is seen that in this case investigation completed, charge sheet filed in S.C.No.28 of 2025 before the District and Sessions Judge, Mayiladuthurai and the case is posted on 10.07.2025 for fixing of trial. Further considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **District and Sessions Judge, Mayiladuthurai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of



WEB COPY



Crl.O.P.No.19017 of 2025

any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the trial Court on every Tuesday at 10.30 a.m. and on all hearing dates without fail;

[c] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[d] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

04.07.2025

rsi



WEB COPY



Crl.O.P.No.19017 of 2025

M.NIRMAL KUMAR, J.

rsi

Note :

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

To

1.The District and Sessions Judge,
Mayiladuthurai.

2.The Inspector of Police,
Thiruvankadu Police Station.
Mayiladuthurai District

3.The Superintendent,
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.19017 of 2025

04.07.2025