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Crl.O.P.No.21334 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21334 of 2025

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.363 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
10.07.2025, for the offences under Sections 109, 296(a), and 324(4) of BNS, in
Crime No.363 of 2025, on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner had mortgaged his bike with the de facto complainant's friend, Riyaj and received a sum of Rs.5000/- from him, out of which he repaid a sum of Rs.3000/-. However, in the meantime, due to non-payment of the bike loan, the petitioner's bike was seized by the finance company concerned. Subsequently, on behalf of the said Riyaj, the de facto complainant demanded repayment of the balance amount to the petitioner, which led to a quarrel between them. During which, the petitioner assaulted the de facto complainant with a knife, as a result of which he sustained injuries. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He further submitted that due to the money dispute, a false complaint has been given against the petitioner. However, the petitioner, without prejudice to his contention, is ready to pay the amount to the de facto complainant. Hence, he prayed for the grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution case and opposed for the grant of bail to the petitioner. He further submitted that the injured has been discharged from the hospital.



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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of 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 **Judicial Magistrate, Palladam**, and on further conditions that:

[a] (i) **The petitioner, without prejudice to his defence, is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) along with any applicable interest to Riyaj, the friend of the de facto complainant, to whom, he had mortgaged his bike.**

(ii) **Further, he shall pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the de facto complainant towards his medical expenses incurred.**

(iii) **The petitioner shall produce proof of the aforesaid payment before the learned Magistrate concerned at the time of executing the sureties;**

[b] 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 any one of the identity



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proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make herself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] 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;

[g] 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]**;

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

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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 Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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