



CRL.OP(MD).No.1902 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.1902 of 2025

Balakrishnan

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
Pappakudi Police Station,  
Tenkasi District.  
(Crime No.187 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in  
Crime No.187 of 2024 on the file of the respondent-police.

For Petitioner : Mr.R.Balakrishnan,  
for Mr.S.Kasirajan, Advocates.

For Respondent : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.01.2025  
under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant  
bail.

2. The petitioner / sole accused was arrested and remanded to judicial custody

<https://www.mhc.tn.gov.in/judis>



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on 25.06.2024 for the alleged offences punishable under Sections 296(b), 307 and 506

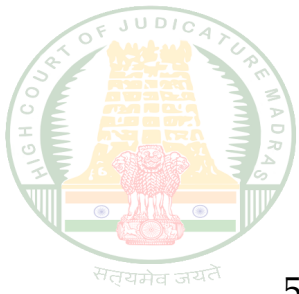
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(2) of IPC, in Crime No.187 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that when the defacto complainant and his wife were standing near a bus stop, the petitioner is said to have come to the spot and abused the defacto complainant in filthy language. He also attacked the defacto complainant with a sickle and the defacto complainant fortunately escaped from the attack. Hence, the case.

4. This is the fifth bail application filed by the petitioner before this Court. The earlier bail application in Crl.O.P(MD).No.21406 of 2024 was dismissed on 19.12.2024 on the ground that there is no change in circumstances. The relevant portions are extracted hereunder:

“4.The petitioner had earlier filed a bail application in Crl.O.P (MD)No.17136 of 2024 before this Court. At that time, the petitioner was seeking for an interim bail for one week on the ground that his son is getting married. Even while dealing with such a request, this Court took into consideration the fact that there are 54 previous cases against the petitioner, out of which, 22 cases were pending. Therefore, this Court was not even inclined to release the petitioner on interim bail and accordingly, that petition was dismissed by order dated 04.10.2024.



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5.The petitioner once again approached this Court and filed a petition in CrI.O.P(MD)No.18864 of 2024. Even this petition was also dismissed by order dated 29.10.2024.

6.The petitioner once again approached the District and Sessions Court, Tenkasi and filed a bail application. The same was dismissed by the Principal District and Sessions Judge on the ground that there is absolutely no change in circumstances and the Court also took into consideration the earlier orders passed by this Court while dismissing the bail application.

7.The present bail application has been moved before this Court mainly on the ground that there are no previous cases against the petitioner. To substantiate the same, the suspension of sentence order passed by the Principal Sessions Judge, Tenkasi in Cr.M.P.No.2336 of 2024 in Appeal No.80 of 2024 was placed before this Court. The petitioner was convicted and sentenced by the learned Judicial Magistrate, Alankulam in C.C.No.230 of 2018. Against the same, the petitioner filed an appeal and along with the appeal, the petitioner filed an application for suspension of sentence. While dealing with these applications, at paragraph No.4 of the order, the learned Principal



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Sessions Judge has recorded that the prosecution has not reported any other cases pending against the petitioner. Accordingly, suspension of sentence petition was allowed.

8. When the above order was brought to the notice of the learned Additional Public Prosecutor, he furnished the details of the 53 previous cases against the petitioner. Out of these 53 cases, it is seen that 23 cases are pending against the petitioner.

9. It is quite unfortunate that some police officer has instructed the learned Public Prosecutor before the Principal Sessions Judge, Tenkasi, as if there are no cases against the petitioner. Obviously such instructions were given for other reasons. There shall be a direction to initiate action against the police officer who gave such instruction to the Public Prosecutor when the Court was dealing with the suspension of sentence application.

10. This Court does not find any change in circumstances to enlarge the petitioner on bail and this Court takes into consideration the previous cases against the petitioner and therefore, the present criminal original petition is dismissed."

5. Mr. R. Balakrishnan, the learned counsel for the petitioner, submits that the



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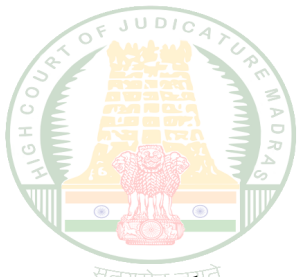
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petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in prison for the past 86 days. He further submits that investigation has been completed and charge sheet has been filed. He further submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

6. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor, appearing for the respondent-police, submits that the petitioner has 54 previous cases, out of which 22 cases are still pending. He further submits that the pending cases are related to the offences punishable under Sections 307, 323, 387, and 379 of the IPC, as well as cases under the NDPS Act. He further submits that Trial has commenced in this case and 2 witnesses were examined and the Trial Court posted the case on 04.03.2025 for further examination of prosecution side witnesses. Therefore, he contends that, if the petitioner is released on bail, there is possibility of absconding and he will cause threat to the defacto complainant and tamper with the evidence and thereby, causing delay to the Trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

7. Heard on both sides. This Court has perused the records.

8. The petitioner was arrested on 25.06.2024 and he has been in incarceration



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since then. It is stated that the Trial against the petitioner has commenced. There are totally nine witnesses in this case, out of which two witnesses have already been examined. It is further stated that the petitioner has 54 previous cases, out of which 22 cases still pending, involving offences punishable under Sections 307, 323, 387, and 379 of the IPC, as well as cases under the NDPS Act. Therefore, this Court is of the view that the petitioner is released on bail, there is a likelihood of absconding, and he may cause a threat to the defacto complainant and tamper with the evidence, thereby causing delay in the trial proceedings. In view of the aforesaid facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition is dismissed.

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27.02.2025

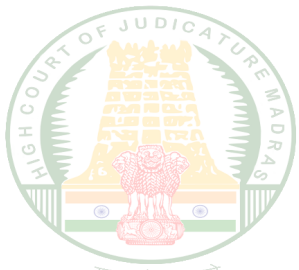
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/03/2025  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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To

1.The Inspector of Police,  
Pappakudi Police Station,  
Tenkasi District.



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

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SL(19.03.2025)/ 7P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.