



CRL OP(MD). No.678 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. N.Kaleeswaran
2. Suresh

... Petitioners / Accused No.2 & 4

Vs

The State of Tamil Nadu
represented by The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.210 of 2024)

... Respondent / Complainant

For Petitioners : Mr.K.Dinesh
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.210 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused No.2 & 4, who were arrested and remanded to judicial



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custody on 26.11.2024 for the alleged offences under Sections 310(4), 310(5) of BNS

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Act, in Crime No.210 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.11.2024, during the regular patrol vehicle checkup at Madurai – Rameswaram High Road, six persons were found in a four wheeler and they were found in possession of deadly weapons and they were planning to commit dacoity and on seeing the police, they attempted to escape from the spot and they were all apprehended. There are totally six accused persons in this case and the petitioners are arrayed as A2 and A4.

3. The learned counsel for the petitioners submitted that an FIR was registered by the Palladam Police in Crime No.763 of 2024 for the offence of murder and these petitioners were arrayed as accused and they were arrested and remanded to Judicial Custody. There petitioners filed bail application before the concerned Court and bail was granted by an order dated 11.11.2024 and certain conditions were imposed and one of the condition is that the petitioners will have to report before the Palladam Police Station daily at 10.30.a.m., for a period of thirty days. The petitioners also complied the condition from 19.11.2024 onwards. Whiles, all of a sudden, the petitioners were forcibly taken away from Palladam to Sivagangai on 25.11.2024 and a false case has been put up against the petitioners and they were produced before the Magistrate and they were remanded to Judicial Custody.



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4. The learned counsel for the petitioner further submitted that, no such incident took place as projected by the respondent police and a false case has been foisted against the petitioner.

5. Per contra, the learned Additional Public Prosecutor submitted that, petitioners were supposed to report before the Palladam Police Station for a period of thirty days daily at 10.00.a.m., however this condition was complied with by the petitioners from 19.11.2024 to 24.11.2024. Thereafter, they had illegally come to Sivagangai and joined with other accused persons and they were planning to commit dacoity.

6. The learned Additional Public Prosecutor submitted that, there are six previous cases pending against the 1st petitioner and there are three previous cases pending against the 2nd petitioner and they are repeat offenders, who did not comply with the condition before the Palladam Police station and chose to commit yet another offence by entering into Sivagangai.

7. The learned Additional Public Prosecutor further submitted that, steps have already been taken to file an application for cancellation of bail granted in favour of the petitioners at Palladam.

8. In view of the same, the learned Additional Public Prosecutor vehemently opposed grant of bail to the petitioners.



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9. Heard the learned counsel on either side and perused the material records of the case.

10. Petitioners were accused in Crime No.783 of 2024 which was pending before the Palladam Police Station. When they were granted bail, petitioners were directed to report before the Palladam Police Station daily at 10.00.a.m., for a period of thirty days. This condition was complied from 19.11.2024 to 24.11.2024.

11. The case of the petitioners is that, they were forcibly taken from Palladam to Sivagangai and that a false case has been foisted against them. However, the case of the prosecution is that, the petitioners entered Sivagangai illegally in order to commit dacoity and also they did not comply the condition imposed by the Palladam Court and thereby they are not entitled to be enlarged on bail.

12. Taking into consideration the facts and circumstances of the case and considering the manner in which the prosecution has projected the case and considering the nature of defence that has been taken by the learned counsel for the petitioners and considering the period of incarceration ie from 26.11.2024, this Court is inclined to grant bail to the petitioners. It is made clear that, order passed in this case will not stand in the way moving the application for cancellation of bail in Crime No.763 of 2024, which will be dealt with on its own merits and in accordance with law.



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13. Accordingly, the petitioners are 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 Court, Thirupuvanam, Sivagangai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the learned Judicial Magistrate Court, Thirupuvanam, Sivagangai daily at 10.30.a.m., and report before the Palladam Police Station every Saturday and Sunday at 10.30.a.m., for a period of thirty days and thereafter before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with 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/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 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)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS, 2023.

sd/-
22/01/2025

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22 / 01 / 2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMA

TO

1 THE JUDICIAL MAGISTRTE
THIRUPUVANAM, SIVAGANGAI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT,

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE INSPECTER OF POLICE
PALLADAM POLICE STATION.



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+1 CC to M/s.K.DINESH, Advocate (SR-653[I] dated 22/01/2025)

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ORDER
IN
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Date :22/01/2025

PSP/ /SAR /22.01.2025/ 7P/ 7C

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