



CRL OP(MD). No.2349 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

THE HONOURABLE **MR. JUSTICE R. SAKTHIVEL**

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Siva

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Munneerpallam Police Station,
Tirrunelveli District.
(Crime No. 46 of 2025).

... Respondent/Complainant

For Petitioner : Mr.R.Muthuram

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 46 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.02.2025



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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 on 17.01.2025 for the alleged offences punishable under Sections 296(b), 132, 109 and 351(3) of BNS Act in Crime No.46 of 2025 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant is the Head Constable of the respondent police. On 16.01.2025, when the defacto complainant, along with other police officers, was on patrolling duty, the petitioner was found standing in a suspicious manner and armed with a weapon. While the police were attempting to intercept the petitioner, the petitioner abused the defacto complainant in filthy language, assaulted him with the weapon, attempted to take his life, and also threatened the police officials with dire consequences, thereby preventing public servants from discharging their official duties. Hence, the complaint.

4. Mr.R.Muthuram, learned counsel appearing for the petitioner, submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been registered against the petitioner. He



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would further submit that the petitioner has been in judicial custody since 17.01.2025 and he is ready to obey the condition to be imposed by this Court and pray for granting bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, submitted that the petitioner has nine previous cases and no injury was caused to anybody. He would further submit that the investigation of the case is still pending and hence, he strongly opposed the grant of bail to the petitioner.

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

7. The petitioner was arrested on 17.01.2025 and he has been in incarceration since 17.01.2025. Considering the nature of offence and in order to give one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a **bond for Rs.25,000/-** (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate

Court No.V, Tirunelveli District;



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall appear and sign before the respondent police, daily at 10.30 a.m., and 05.00 pm., until further orders;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the

conditions stated *supra*.

sd/-

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Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

RMK

TO

1 JUDICIAL MAGISTRATE COURT NO.V
TIRUNELVELI DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

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Date :06/02/2025

SS/SKN/SAR- /06/02/2025/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023