



CRL OP(MD). No.2381 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2381 of 2025

1.Mukesh
2.Hari Krishnan

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Sellur Police Station,
Madurai City.
Crime No.79 of 2025

... Respondent/Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.79 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 petitioners on 05.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioners/A1 and A2 were arrested and remanded to judicial custody on 20.01.2025 for the alleged offences punishable under Sections 309(1), 311 and 351 (4) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.79 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 20.01.2025, at about 03:00 p.m., while the defacto complainant, along with his colleague, was standing near Minnal Mahal, Thiruvappudaiyar Temple, the petitioners threatened the defacto complainant at knife point, committed robbery of Rs. 500/-, and also threatened the defacto complainant with dire consequences. Hence the case.

4. Mr.R.Aravindraj, the learned counsel appearing for the petitioners, submits that a false case has been foisted against the petitioners and the petitioners have not committed any offence as alleged by the prosecution. He, further, submits that the petitioners have been in judicial custody since 20.01.2025. He, therefore, prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are two accused persons in this case. The petitioners, A1 and A2, threatened the defacto complainant and robbed a sum of Rs.500/-. A1 has three previous cases, and A2 has five previous cases. Accordingly, he prays to dismiss this Criminal Original Petition.



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

7. The petitioners were arrested on 20.01.2025 and are still in judicial custody.

Considering the nature of offences alleged against the petitioners and considering the period of incarceration and also taking note of the amount allegedly robbed from the defacto complainant and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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, No.II, Madurai;

(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, No.II, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioners shall not commit an offence similar to the offence of which



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they are accused, or suspected, of the commission of which they are suspected;

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(v) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioners shall furnish their residential address and mobile number;

(vii) The petitioners shall appear and sign before the learned Judicial Magistrate, No.II, Madurai on all working days at 10.30 a.m. and 05.30 p.m., until further orders;

(viii) The petitioners shall not enter into the defacto complainant's house or workplace;

(ix) The petitioners shall not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, No.II, Madurai is entitled to pass appropriate orders against the petitioners 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/-
17/02/2025

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17/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, SELLUR POLICE STATION,
MADURAI CITY.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2381 of 2025
Date :17/02/2025

RS/IT/SAR-(17.02.2025) 5P 6C
Madurai Bench of Madras High Court is issuing
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