



CRL OP(MD). No.2471 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.2471 of 2025 &
CRL MP(MD).No.2024 of 2025

Kumar

... Petitioner/ Accused
Rank Not Known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Varusanadu Police Station,
Theni District.
Crime No.8 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi, Advocate

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

For Intervener : Mr.C.Senthil Murugan, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.8 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 06.02.2025 under



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Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

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2. The petitioner/ accused rank not known was arrested and remanded to judicial custody on 12.01.2025 for the alleged offences punishable under Sections 296(b) and 109 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.8 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that due to business rivalry, on 11.01.2025, at about 09.30 p.m. when the defacto complainant returned home after closing the shop, one Malairajan (A1) hurled a petrol balloon at the defacto complainant and caused burn injury to him. Hence the case.

4. Mr.S.Muniyandi, the learned counsel appearing for the petitioner, submits that the petitioner's name does not appear in the FIR, and based on the confession of A1, the petitioner has been arrayed as an accused. He further submits that the petitioner has not committed any offence as alleged by the prosecution and has been in judicial custody since 12.01.2025. He, therefore, prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that during the investigation, it was revealed that the petitioner also played a crucial role in the crime, and therefore, he has been arrayed as an accused and remanded to judicial custody on 12.01.2025. He



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further submits that the defacto complainant was admitted to the hospital on 11.01.2025 and discharged on 12.02.2025. The defacto complainant underwent treatment as an inpatient for nearly a month. He further submits that the present petitioner is A2 and that he has six previous cases. A1 is still in prison. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Mr.C.Senthil Murugan, learned counsel for the intervener, raises objections to granting bail to the petitioner, stating that if the petitioner is granted bail, he may cause a threat to the defacto complainant, who is still undergoing treatment.

7. Heard on both sides. This Court has perused the records including the First Information Report.

8. The petitioner was arrested on 12.01.2025 and is still in judicial custody. The petitioner has six previous cases. It was revealed during the investigation that the petitioner also played a crucial role in the crime, and based on this, the petitioner has been arrayed as an accused. The petitioner has permanent residence. Therefore, there is a less possibility of absconding. Considering the same and the period of incarceration, this Court is inclined to grant bail to the petitioner, 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



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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, Andipatti, Theni District;

(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, Andipatti, Theni District shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

(vii) The petitioner shall stay at Sivagangai District and appear and sign before the Inspector of Police, Sivagangai Town Police Station, Sivagangai District daily at



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10.00 a.m. and 05.00 p.m., until further orders;

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(viii) The petitioner shall not enter into Varusanadu, Theni District until further orders;

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

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

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Andipatti, Theni District 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].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, connected Miscellaneous Petition is closed.

sd/-

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17/02/2025

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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MBI
TO
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1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

4 THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
THENI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.



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+1 CC to M/s.S.MUNIYANDI, Advocate (SR-1713[I] dated 17/02/2025)

**ORDER
IN
CRL OP(MD) No.2471 of 2025
Date :17/02/2025**

SA/SAR. /17.02.2025/7P/8C

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