



CRL OP(MD). No.2504 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2504 of 2025

Moorthi @ Kumbakonam Moorthi

... Petitioner/Sole Accused

Vs

The Sub Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(Crime No. 24 of 2025).

... Respondent/Complainant

For Petitioner : Ms.C.Geetha
For Respondent : Mr.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 24 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 06.02.2025 under Section 483 of the 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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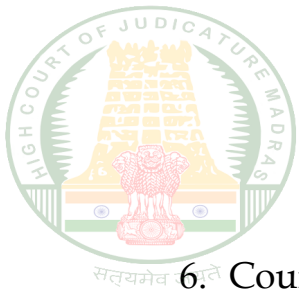
on 23.01.2025 for the alleged offences punishable under Sections 25(1-A) of Arms Act and 126(2), 296(b), 308(5) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.24 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that on 21.01.2025 at about 09.00 a.m., the petitioner, armed with an abnormally large deadly weapon, namely a 59 cm sickle, extorted Rs.3,000/- from the defacto complainant and threatened him with dire consequences. Hence, the case.

4. Ms.C.Geetha, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. This case has been registered against the petitioner only with a view to invoke Act 14 of 1982. She further submits that the petitioner has been in judicial custody since 23.01.2025. She therefore prays to grant bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner is a regular offender. Totally, 14 cases were registered against the petitioner in which two cases under Section 302 of IPC and two cases under NDPS Act and 9 cases punishable under IPC. In these circumstances, if the bail is granted to the petitioner, the petitioner will commit the similar offence and thereby cause much disturbance to the society. Accordingly, he strongly raises objection to grant bail to the petitioner.



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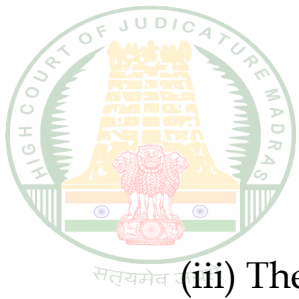
6. Countering the above submission of the learned Government Advocate (Criminal Side), the learned counsel appearing for the petitioner submits that the petitioner has been acquitted in nine I.P.C. cases, and five cases alone are pending against the petitioner.

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

8. This Court has perused the copy of the First Information Report (FIR) The petitioner was arrested on 23.01.2025 and he has been in judicial custody. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the nature of offences alleged against the petitioner, 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 No.II, Kumbakonam;

(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, Kumbakonam shall obtain a copy of any one of identity proofs to ensure their identity;



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- (iii) The petitioner shall furnish his residential address and mobile number;
- (iv) The petitioner shall appear and sign before the respondent- police daily at 10:00 a.m. and 5:00 p.m., 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
- (vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, No.II, Kumbakonam 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.

sd/-
10/02/2025

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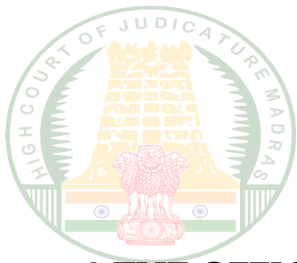
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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



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3 THE OFFICER-IN-CHARGE, CENTRAL PRISON, PUDUKOTTAI.

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4 THE SUB INSPECTOR OF POLICE, KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.C.GEETHA, Advocate (SR-1515[I] dated 10/02/2025)

ORDER

IN

CRL OP(MD) No.2504 of 2025

Date :10/02/2025

RS/IT/SAR-(10.02.2025) 5P 7C

Madurai Bench of Madras High Court is issuing
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