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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2611 of 2025

1.Muthu Selvam

2.Muthuraj

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
Crime No.34 of 2025

... Respondent/Complainant

For Petitioners : Mr.Veera Raghul,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.34 of 2025 on the file of the Respondent-Police.



ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 07.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/ A1 and A2 were arrested and remanded to judicial custody on 02.02.2025 for the alleged offences punishable under Sections 310(4) and 310(5) of BNSS, 2023 and Section 25(1A) of Arms Act, in Crime No.34 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 01.02.2025, at about 11:30 am, upon receiving secret information that six persons, along with their vehicle (Toyota Innova Crysta), had gathered with weapons near the graveyard in Thiruvengadam Nagar, the respondent-police raided the spot. At that time, the police found that the petitioner herein and the other accused persons were found sitting on the ground to the right side of the vehicle, planning to wear masks and commit a robbery of the car that was bringing hawala money. The police were watching them while hiding. On seeing the police, they tried to flee. However, the police apprehended them. Hence

the case

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



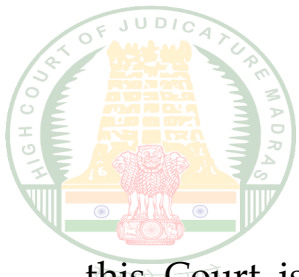
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4. Mr.Veera Raghul, the learned counsel appearing for the petitioners, submits that the petitioners have been falsely implicated in this case and the petitioners did not commit any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 02.02.2025. 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 totally seven accused persons in this case and the petitioners herein have been arrayed as A1 and A2. He further submits that the petitioners have no previous case. He further submits that if the petitioners are enlarged on bail, they will commit a similar offence again. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested on 02.02.2025 and are still in judicial custody. The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and taking note of the fact that the petitioner have no previous case and with a view to give an opportunity to the petitioners to reforms themselves,



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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, Ilayangudi;

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

(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;



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

(vii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses;

(viii) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned said Judicial Magistrate, Ilayangudi 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].

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

Sd/-
20/02/2025

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20/02/2025
Sub-Assistant Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO
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- 1 THE JUDICIAL MAGISTRATE
ILAYANGUDI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
ELAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.2611 of 2025
Date :20/02/2025

ES/SKN/SAR /20.02.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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