



CRL OP(MD). No.2706 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Santhosh
2.Sarathkumar

... Petitioners/ Accused Nos.2 & 4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.15 of 2025)

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.15 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 10.02.2025



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

2. The petitioners/ A2 & A4 were arrested and remanded to judicial custody on 15.01.2025 for the alleged offences punishable under Sections 115(2), 118(1), 296(b), 324(2), 351(3) and 74 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.15 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to a previous dispute between the parties, on 14.01.2025, the second petitioner (A4), under the influence of alcohol, caused injuries to the brother of the defacto complainant and his friend, Alwin. Subsequently, on the same day, the first petitioner (A2), A1, and A3, also under the influence of alcohol, criminally trespassed into the defacto complainant's house, abused the defacto complainant in filthy language, and caused damage to the window glasses and the two-wheeler parked in front of the house with wooden log. The accused persons also attacked the defacto complainant and her brother and sister and also the said Alwin, the friend of her brother with wooden log, causing injuries. All the accused persons attempted to enter the defacto complainant's house. When this was prevented by the defacto complainant's sister, A3 pulled her tuft, pushed her down, kicked her abdomen, and also pulled her nighty. On hearing her alarm, the neighbours came to the scene. On seeing them, the accused persons fled



from the place. Hence, the case.

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4. Mr.K.M.Karunakaran, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 15.01.2025. 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 the present Crime Number and Crime No.16 of 2025 are counter cases. The petitioners and the defacto complainant are residing in a same locality, and they are well-known to each other. The petitioners attacked the defacto complainant with a wooden log. Four persons were injured in this case. They were admitted in the hospital on 14.01.2025 and discharged on 16.01.2025. The petitioners have no previous case. However, 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 15.01.2025 and are still in judicial custody. In this case, four person sustained injuries. They were admitted in the hospital on 14.01.2025 and discharged on 16.01.2025. The present Crime Number and Crime No.16 of 2025 are counter cases. Considering the cumulative circumstances and



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considering the fact that petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and with a view to give an 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, Thanjavur;

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

(iii) The petitioners shall furnish their residential address and mobile number to the concerned Judicial Magistrate;

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

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



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

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

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, No.II, Thanjavur 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/-
13/02/2025

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13/02/2025

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

MBI

To

1.The Judicial Magistrate No.II,
Thanjavur.



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2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

4.The Superintendent,
Central Prison, Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-1626[I] dated 13/02/2025)

ORDER
IN
CRL OP(MD) No.2706 of 2025
Date :13/02/2025

ED/ /SAR- (13/02/2025) 6P / 7 C

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