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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3146 of 2025

1.Annalakshmi

2.Vijayalakshmi

3.Samundeswaran

... Petitioners/ A1,A3 & A4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Cumbum-North Police Station,
Theni District.
(Crime No.25 of 2025).

... Respondent/ Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.25 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 17.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners /Accused Nos.1, 3 and 4 were arrested and remanded to judicial custody on 23.01.2025, for the offences punishable under Sections 204, 205, 318(2) and 319(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, in Crime No.25 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a case against the defacto complainant and his mother for selling ganja, and they are currently facing trial. While this was the situation, on 20.01.2025, at about 07:00 p.m., when the defacto complainant and his mother were at their home, A1 to A3 arrived on a two-wheeler. A1 and A2 asked the defacto complainant and his mother for ganja. When the defacto complainant and his mother stated that they would not sell any ganja, the accused claimed to be police officials from a Special Party and extorted a sum of Rs.10,000/- by threatening to file a case against them. Similar to the defacto complainant and his



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mother, the accused persons extorted money from the relatives of the defacto complainant. Suspicion arose regarding their actions. On 22.01.2025, A1 called the defacto complainant over the phone and demanded further money. Therefore, the defacto complainant lodged the present complaint.

4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioners, submits that the petitioner are innocent persons and the petitioners are in no way connected with this case and they have been falsely implicated in this case. He further submits that the petitioners have been in judicial custody from 23.01.2025, i.e., more than one month. Hence, he prays to grant bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned counsel appearing for the respondent-Police, on instructions, submits that there are totally four accused persons in this case. A1 has a previous case related to offences punishable under the NDPS Act, which has been disposed of. A3 has no previous case and A4 has seven previous cases related to the offence punishable under Section 379 of IPC. A2 is still absconding. He further submits that if this Court grants bail to the petitioners, there is a possibility of absconding. Hence, he vehemently opposes to grant bail to the petitioners.



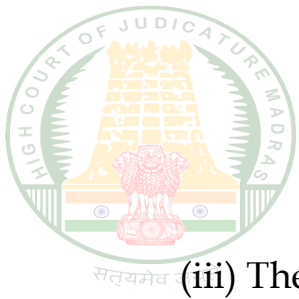
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6. Heard on both sides. This Court has perused the records.

7. The petitioners have been in incarceration from 23.01.2025. The petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the nature of the offences allegedly committed by the petitioners and with a view to give one more opportunity 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, Uthamapalayam, Theni;

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



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(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;

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

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni;

(viii) The petitioners shall appear and sign before the respondent-police daily at 10:00 a.m. and 5:00 p.m., until further orders; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam, Theni, 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/-
25/02/2025

/ TRUE COPY /

25/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.



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3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI, THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.3146 of 2025

Date :25/02/2025

ES/SAR /25.02.2025/7P/6C

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