



CRL OP (MD) No.3055 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3055 of 2025

Malairajan,
S/o.Pandian,
No.81, Main Road, Thummakundu,
Mayiladumparai, Andipatti,
Varusanadu,
Theni District.

... 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

D.Satheesh Kumar

... Petitioner/ Intervener/
Defacto Complainant
in CrI.M.P(MD).No.3372 of 2025



CRL OP (MD) No.3055 of 2025

WEB COPY

For Petitioner : Mr.Venkatesh.N,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side) for R1

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 :-

This Criminal Original Petition has been filed by the petitioner on 17.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

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



CRL OP (MD) No.3055 of 2025

WEB COPY

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 was returning home after closing his shop, the petitioner hurdled a petrol balloon at him, set it on fire, and caused burn injuries. The defacto complainant was thereafter admitted in the hospital. Hence, the case.

4. Mr.N.Venkatesh, learned counsel appearing for the petitioner, submits that the petitioner is suffering from renal disease and is therefore taking treatment at the Government Rajaji Hospital, Madurai. He further submits that, considering the medical grounds as well as the period of incarceration, this Court may grant bail to the petitioner. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that the petitioner was admitted in the hospital on 12.01.2025 and discharged on 12.02.2025. He further submits that this Court had already granted interim bail to the petitioner on 19.02.2025, subject to the condition that he shall surrender before the Superintendent, Central Prison, Madurai on 14.03.2025, pursuant to which the petitioner surrendered before the



CRL OP (MD) No.3055 of 2025

Central Prison, Madurai on 14.03.2025 at 5:00 p.m. He further submits that there are
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three previous cases pending against the petitioner. He also submits that the investigation has not yet been completed and, at this stage, if bail is granted to the petitioner, he may cause threat to the defacto complainant and the witnesses, thereby delaying the investigation proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Mr.C.Senthil Murugan, learned counsel appearing for the intervener, submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses. Hence, he vehemently opposes to grant bail to the petitioner.

7. This Court has considered the submissions made on either side and perused the records

8. This Court had already granted interim bail to the petitioner on 19.02.2025 on medical grounds. Thereafter, this Court directed the petitioner to surrender before the Superintendent of Central Prison, Madurai, on 14.03.2025. Accordingly, the petitioner surrendered before the Superintendent of Central Prison, Madurai, on 14.03.2025, at 5:00 p.m.



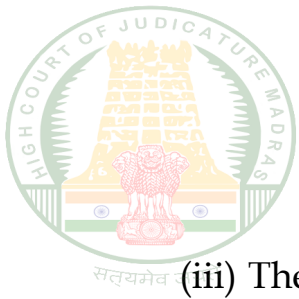
CRL OP (MD) No.3055 of 2025

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9. Considering the above, and also considering the facts that the petitioner is suffering from renal ailment and that the petitioner has permanent residence, and therefore, there is less possibility of absconding, and taking into account of the period of incarceration suffered by the petitioner and the bad antecedents, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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, 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;



CRL OP (MD) No.3055 of 2025

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(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 not directly or indirectly cause any threat to the defacto complainant and the witnesses, and shall not try to contact the defacto complainant either directly or through any electronic mode;

(vii) The petition shall not enter into the Varasanadu Limit, Theni District until further orders;

(viii) The petitioner shall furnish his residential address and mobile number to the the learned Judicial Magistrate, Andipatti, Theni District;



CRL OP (MD) No.3055 of 2025

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(ix) The petitioner shall stay at Madurai, and appear and sign before the Inspector of Police, Tallakulam Police Station daily at 10.00 a.m., and 05.00 p.m., after execution of Suretyship, until further orders; and

(x) On breach of any of the aforementioned conditions, 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].

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

Sd/-
17/03/2025

/ TRUE COPY /

18/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP (MD) No.3055 of 2025

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TO

- 1 THE JUDICIAL MAGISTRATE,
ANDIPATTI,
THENI DISTRICT.
- 2 DO -THROUGH -THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
THENI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 5 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-2949[I] dated 17/03/2025)

ORDER IN
CRL OP(MD) No.3055 of 2025
Date :17/03/2025

ES/18.03.2025/8P/9C

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

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