



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3143 of 2025

Dharmaraj,
S/o. Ramanan,
No.359,Bharathi Nagar North,
Kumbakonam,
Thanjavur District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No. 28 of 2025).

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu,
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. 28 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) praying to grant bail.

2. The petitioner/ Sole Accused was arrested and remanded to judicial custody on 23.01.2025 for the offences punishable under Sections 126(2), 296(b), 308(5), 351(3) of the Bharatiya Nyaya Sanhita, (BNS), 2023 r/w 25(1-A) and 27(1) of Arms Act, in Crime No.28 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.01.2025, at about 1:30 P.M., when the defacto complainant was riding his two-wheeler near the Bus Stop, Aandalampettai Moongil Aandavar Kovil, Naduvakarai, the petitioner intercepted the defacto complainant, threatened him with a deadly weapon, and extorted Rs.1000/- from him. He also threatened the general public by showing the deadly weapon and claiming that he was a rowdy. The general public frightened and hid. For some time, there was a traffic jam on the road. The petitioner later left the scene. Hence, the complaint.

4. Mr V.Vishnu, learned counsel appearing for the petitioner, submits that the



WEB COPY

petitioner has nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioner. He however submits that he is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in incarceration since 23.01.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the petitioner is a history-sheeter and a rowdy element. He further submits that there are four pending cases against the petitioner, all relating to offences punishable under the Indian Penal Code (IPC). He further submits that the alleged amount and the deadly weapon have been recovered from the petitioner by the respondent-Police and that the defacto complainant has not sustained any injuries. He further submits that if the petitioner is enlarged on bail, he will cause threat to the defacto complainant, witnesses, and the general public, and may also commit similar offences. Hence, he vehemently opposes the grant of bail to the petitioner.

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

7. The petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and also considering the fact that the alleged amount and the deadly weapon have been recovered by the respondent-Police and



WEB COPY

taking note of the fact that no injury has been caused to the defacto complainant and considering the fact that the petitioner has been in incarceration since 23.01.2025 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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur;

(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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur shall obtain a copy of any one of identity proofs to ensure their identity;

(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



WEB COPY

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 furnish his residential address and mobile number, if any, to (*)the learned District Munsif cum Judicial Magistrate, Thiruvidaimaruthur;

(vii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., and 05.00 p.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, (*)the learned District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, 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].

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

sd/-
19/02/2025

(*)Amended as per the order of this court dated 28.02.2025 in CRL MP(MD)No.2688 of 2025 in CRL OP(MD)No.3143 of 2025.

/ TRUE COPY /

/03/2025

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



TSG

To be substituted to the order which is already despatched on 19.02.2025

TO

1 the District Munsif cum Judicial Magistrate, Thiruvudaimaruthur

2 THE II ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KUMBAKONAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE OFFICER INCHARGE,
SUB JAIL,
THIRUVUDAIMARUTHUR.

5 THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.3143 of 2025

Date :19/02/2025

NBF/SAR/ (19/02/2025) 6P/6C

MK/SAR/ (19/02/2025) 6P/7C

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