



CRL OP(MD) No.3258 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3258 of 2025

Sarath

... Petitioner/ A3

Vs

The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Koodakovil Police Station,
Madurai District.
Crime No. 21/2025

... Respondent/Complainant

For Petitioner : Mr.Viswanathan.B,
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. 21 of 2025 on the file of the Respondent-Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 19.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 03.02.2025 for the alleged offences punishable under Sections 296(b) and 109 of BNS, 2023, in Crime No.21 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant had a relationship outside of marriage with a relative of A1. Due to the prevailing motive between them, on 02.02.2025, at about 7:00 p.m., when the defacto complainant was standing near Meenakshi Ahammadayiar Meeting Hall at Othaveedu, the petitioner and the other accused persons waylaid the defacto complainant, abused him using filthy language, and the first accused attacked him with a sword, thereby causing injuries. Hence, the case.

4. Mr.P.Varun Prakash, the learned counsel appearing for the petitioner, submits that the petitioner is employed under A1, and that the defacto complainant had a relationship outside of marriage with A1's aunt, which created a motive

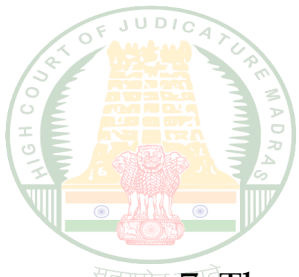


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between them. He further submits that the defacto complainant has lodged a false complaint against both the petitioner and the other accused persons. He also submits that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He also submits that the petitioner has been in judicial custody since 03.02.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. side) appearing for the respondent-police, submits that the defacto complainant had a relationship outside of marriage with a relative of A1, and hence, the accused persons attacked the defacto complainant with a sword, thereby causing injuries to his head and right hand. He further submits that the defacto complainant was admitted in the hospital on 02.02.2025 and discharged on 05.02.2025 and the investigation of the case is still pending. He further submits that if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and other witnesses and also tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.



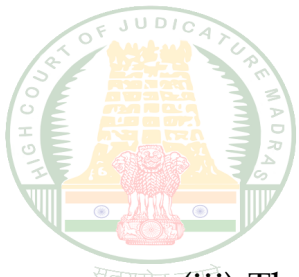
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7. The petitioner was arrested on 03.02.2025 and is still in judicial custody. The petitioner has no previous cases. The petitioner has permanent residence and deep roots in the society. Therefore, there is a less possibility of absconding. Considering the above and also considering the fact that the petitioner is employed under A1 and taking note of the fact that the injured was discharged from the hospital and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai;

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



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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;

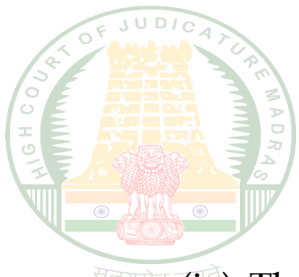
(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner should not enter into defacto complainant's residence or his work place;

(vi) 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;

(vii) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant;

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;



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(ix) The petitioner shall report and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(x) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode; and

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumangalam, Madurai, 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].

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

sd/-
21/02/2025

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21/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

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



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TO
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1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI;
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE OFFICER-IN-CHARGE,
SUB JAIL, VIRUDHUNAGAR.
4. THE SUB-INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.VISWANATHAN, Advocate (SR-1961[I] dated 21/02/2025)

ORDER
IN
CRL OP(MD) No.3258 of 2025
Date :21/02/2025

RK(21/02/2025) 7P / 7C

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