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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.3516 of 2025

Ajith

... Petitioner/ Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.49 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.Balamuraganantham, 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.49 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 21.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner was arrested and remanded to judicial custody on 31.01.2025 for the alleged offences punishable under Sections 309(4), 311 and 351(3) of Bharatiya Nyaya Sanhita, 2023 and 25(1A) of the Arms Act, 1959, in Crime No. 49 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 31.01.2025, at about 08:00 a.m., when the defacto complainant was going along the Annavasal Villaku Road, the petitioner restrained the defacto complainant and extorted a sum of Rs.200/- from him by showing a sword, claiming that he was a big rowdy in the locality. Hence, the case.

4. Mr.R.Balamuraganantham, the learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody from

31.01.2025. He therefore prays to grant bail to the petitioner.

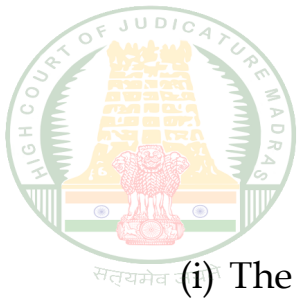


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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner has five previous cases, one of which is similar in nature, one is related to offences punishable under the SC/ST Act, and the remaining are related to offences punishable under Section 307 of the IPC. He further submits that the petitioner is a history-sheeter having H.S.No.536 of 2024. He further submits that if this Court grants bail to this petitioner, he will commit similar offences. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. The amount involved in this case is Rs.200/- only. The petitioner has been in judicial custody since 31.01.2025 for the robbery of Rs.200/- only. Considering the same and also considering facts and circumstances and nature of offence allegedly committed by the petitioner and the period of incarceration and with a view to give one more 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:



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(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, Manamadurai, Sivagangai;

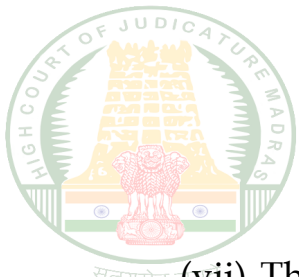
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Manamadurai, Sivagangai, shall obtain a copy of any one of identity proofs to ensure their 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 which 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;



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

(viii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. and 5.00 p.m., until further orders; and

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

/ TRUE COPY /

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

APD



TO
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- 1 THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3516 of 2025
Date :25/02/2025

ES/SAR /25.02.2025/6P/6C

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