



CRL OP(MD). No.3673 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3673 of 2025

Muthupandi

... Petitioner/ Accused No.2

Vs

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

... Respondent/Complainant

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

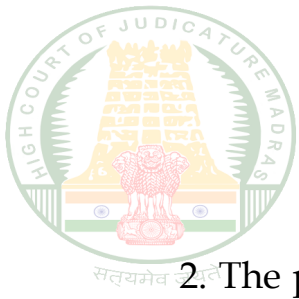
PETITION FOR BAIL Under Sec.483 of BNSS

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 petitioner on 24.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 22.01.2025 for the offences punishable under Sections 204, 205, 319(2) and 318(2) of BNS, 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 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.K.Sathish Kumar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he is in no way connected with this case and he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody from 22.01.2025, i.e., more than one month. Hence, he



prays to grant bail to the petitioner.

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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 and the petitioner herein has been arrayed as A2. He further submits that the co-accused persons have already been granted bail by this Court vide order dated 25.02.2025 passed in Crl.O.P(MD) No.3146 of 2025. He further submits that if this Court grants bail to the petitioner, there is a possibility of absconding. Hence, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner has been in incarceration from 22.01.2025. The petitioner has 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 petitioner and also considering the fact that the co-accused persons have already been granted bail by this Court on 25.02.2025 and with a view to give an opportunity 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate,

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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;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

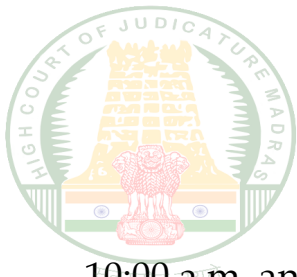
(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(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 them 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 threat to the defacto complainant and the witnesses;

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

(viii) The petitioner shall appear and sign before the respondent-police daily at



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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 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/-
26/02/2025

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26/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM

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

3 THE OFFICER INCHARGE, DISTRICT JAIL, THENI.

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

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



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ORDER

IN

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Date :26/02/2025

RS/IT/SAR-(26.02.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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