



CRL OP(MD) No.3790 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3790 of 2025

Murugesan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tirunelveli.
Crime No.5 of 2025.

... Respondent/Complainant

For Petitioner : Mr.M.Pandian

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.5 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 26.02.2025



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

2. The petitioner/A2 was arrested and remanded to judicial custody on 24.01.2025 for the alleged offences punishable under Sections 87, 70(1) and 115(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.5 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the Accused No.1, who is working in Railway Department at Tirunelveli, and the defacto complainant are known each other. On 23.01.2025, at about 9.00 a.m., when the defacto complainant reached Tirunelveli Railway Junction by Gurvayur Express train, the Accused No.1 approached the defacto complainant to go to hotel for having dinner. In hotel, the Accused No.1 consumed liquor and due to deficit of money, he contacted the petitioner/A2, A1's friend. After paying money by A2, the A1 assured that he brought the defacto complainant to Thiruchendur by his car, bearing registration No.TN-72-BR-1743. Believing his words, the defacto complainant went to the house of the A1 at Venkalapottal. There, the accused persons were forcibly having physical relationship with the defacto complainant. Hence, this case.



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4. Mr.M.Pandian, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that due to the dispute with regard to the payment, the defacto complainant has lodged a false case against A1 and A2. He further submits that the petitioner has been in judicial custody since 24.01.2025, and he has no previous case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. 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 based on the complaint of the defacto complainant, the petitioner has been arrayed as A2. He further submits that the investigation is yet to be completed and hence, at this stage, if this Court grants bail to the petitioner, he may cause threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the FIR and the statement of the victim recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023.



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7. Investigation of this case is still pending. Hence, this Court is of the view that the custodial interrogation of the petitioner is necessary in this case. Further, this Court is of the view that granting an order of bail is likely to result the petitioner in committing similar offence and threatening the defacto complainant and witnesses and also tampering the evidence.

8. Therefore, this Court is not inclined to grant bail to the petitioner and hence, this Criminal Original Petition stands dismissed.

sd/-
28/02/2025

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

APD

TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI,
TIRUNELVELI DISTRICT.

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



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ORDER

IN

CRL OP(MD) No.3790 of 2025

Date :28/02/2025

SS/SKN/SAR- /18/03/2025/ 5P/3C

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