



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3800 of 2025

1.Arunkumar

2.Ponnusamy

... Petitioners/ A2 and A3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No.47 of 2025

... Respondent/Complainant

For Petitioners : Mr.S.Malaikani

For Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)



PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

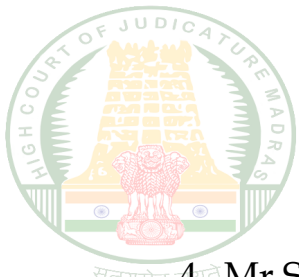
C-24B. For bail in Crime No.47 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 26.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/A2 and A3 were arrested and remanded to judicial custody on 06.02.2025 for the alleged offences punishable under Sections 296(b), 232(1) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.47 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that during August 2020, the younger brother of the defacto complainant was murdered by some other persons and the petitioners. In this regard, a case in Crime No.1956 of 2020 was registered, and the case is now pending before the District Court, Theni, for trial. On 28.01.2025, the defacto complainant deposed before the Court. At this juncture, on 28.01.2025, at about 8:00 p.m., when the defacto complainant was at her house, the petitioners and A1 came to her house and asked her to depose in their favour. When the defacto complainant refused, they criminally intimidated her. Hence the case.



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4. Mr.S.Malaikani, the learned counsel appearing for the petitioners, submits that the complaint given by the defacto complainant is false and that the respondent-police, without conducting a proper enquiry, mechanically registered a case against the petitioners. He further submits that on 28.01.2025, the defacto complainant and her family members gave evidence and were cross-examined on the same day, and therefore, there was no necessity for the petitioners and A1 to threaten the defacto complainant. He also submits that the complaint was falsely lodged with an intention of wreaking vengeance against the petitioners. However, he submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioners have been in judicial custody since 06.02.2025. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that in the Sessions Case, there are totally 37 witnesses and only 14 witnesses were examined, and remaining witnesses have to be examined, and case is posted to 19.03.2025 for further examination of witnesses. He further submits that the petitioners and the other accused person have threatened the defacto complainant and therefore, at this stage, if bail is granted to the petitioners, they will cause threat to the defacto complainant and other witnesses. Hence, he prays to dismiss this Criminal Original Petition.



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

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7. The petitioners were arrested on 06.02.2025 and are still in judicial custody.

As rightly pointed out by the learned counsel appearing for the petitioners, the defacto complainant and her family members were examined on 28.01.2025 itself. In view of the above, the petitioners have made out a prima facie case for grant of bail. Therefore, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. It is to be noted that the above view is recorded only for the limited purpose of deciding the bail petition. This view, in no way, would prejudice the rights of the prosecution to establish its case during the trial. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each 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, Uthamapalayam;

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

(iii) The petitioners shall attend in accordance with the conditions of the bond to



be executed under Chapter XXXV of BNS, 2023;

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(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners 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;

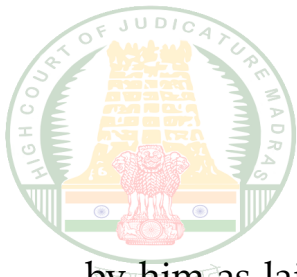
(vi) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam;

(vii) The petitioners shall appear and sign before the learned Judicial Magistrate, Uthamapalayam daily at 05.30 p.m., until further orders;

(viii) The petitioners shall not enter into the defacto complainant's house or workplace;

(ix) The petitioners shall not try to contact the defacto complainant, her family members and also other witnesses either directly or through any electronic mode and shall also not cause any threat to them; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam is entitled to pass appropriate orders against the petitioners 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
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[(2005) 13 SCC 283].

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

sd/-
04/03/2025

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04/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
TO

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



+1 CC to M/s.S.MALAIKANI, Advocate (SR-2350[I] dated 04/03/2025)

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ORDER

IN

CRL OP(MD) No.3800 of 2025

Date :04/03/2025

NBF/SAR/ (04/03/2025) 7P/7C

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