



CRL OP(MD). No.3801 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Alagesan

2.Poominathan

... Petitioners/ Accused Nos.3 & 4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Dindigul AWPS Rural,
Dindigul District.
Crime No.6 of 2025

... Respondent/Complainant

For Petitioners : Mr.M.Chellapandian, Advocate

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

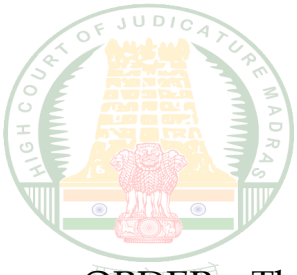
For Defacto
complainant : Mr.R.Shankar Ganesh, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.6 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 petitioners on 26.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/Accused Nos.3 & 4 were arrested and remanded to judicial custody on 14.02.2025 for the alleged offences punishable under Sections 69, 318(2), 49 and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.6 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on the false promise of marrying the defacto complainant, the petitioner had an extramarital relationship with her multiple times. A1 also tied a thali on the defacto complainant. Thereafter, A1 refused to take her to his house and attempted to marry another woman. When the defacto complainant questioned him about this, A1, with the help of the petitioners and other relative, threatened her. Hence the case.

4. Mr.M.Chellapandian, learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution, and

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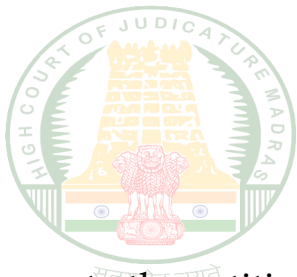
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they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioners have been in judicial custody since 14.02.2025. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, Government Advocate (Criminal Side) appearing for the respondent-police, submits that the first petitioner is the brother of A1, and the petitioners threatened the defacto complainant to leave A1. He further submits that the petitioners have no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested on 14.02.2025 and are still in judicial custody. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the alleged overt act of the petitioners and the period of incarceration and taking note of the fact that the petitioners have no previous case, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted



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to the petitioners subject to the following conditions:

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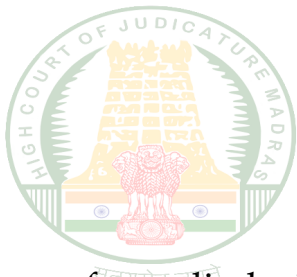
(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Dindigul;

(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 No.III, Dindigul 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;

(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



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from disclosing such facts to the Court or to any police officer or tamper with the
evidence;

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(vi) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.III, Dindigul;

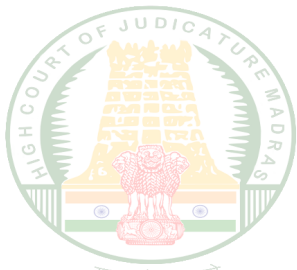
(vii) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(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 and her family members either directly or through any electronic mode;

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Dindigul 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

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



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[(2005) 13 SCC 283].

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

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04/03/2025

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

mbi

TO

1.THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3.THE OFFICER IN-CHARGE,
SUB JAIL, DINDIGUL.

4.THE INSPECTOR OF POLICE,
DINDIGUL AWPS RURAL,
DINDIGUL DISTRICT.

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



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+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-2384[I] dated 04/03/2025)

+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-2393[I] dated 04/03/2025)

ORDER

IN

CRL OP(MD) No.3801 of 2025

Date :04/03/2025

RK(04/03/2025) 7P / 8C

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