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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). Nos.3962 & 3965 of 2025

Crl.O.P.(MD).No.3962 of 2025

1. Prakash Pandi @ Pithamahan,
S/o.Nagaraj,
No.99 North Street,
Kanniservaipatti,
Uthamapalayam,
Theni.

2. Rajkumar @ Kattuvasi,
S/o.Thavasi,
No.W-2 North Street,
Kanniservaipatti,
Uthamapalayam,
Theni.

... Petitioners/A1 and A2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Rayappanpatti Police Station,
Theni District.
Crime No.58/2025

... Respondent/Complainant

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Crl.O.P.(MD).No.3965 of 2025

Perumal @ Nishanth,
S/o. Kaviseelan,
No.141, Indra Colony,
Chinnaovlapuram,
Theni.

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Rayappanpatti Police Station,
Theni District.
Crime No.57/2025

... Respondent/Complainant

In Both Petitions

For Petitioners :Mr.Raghul.G,
Advocate.

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER :-

For Bail in Crime Nos.58 and 57 of 2025 on the file of the Respondent-Police.

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COMMON ORDER : The Court made the following common order :-

These Criminal Original Petitions have been filed by the petitioners on 27.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners in Crl.O.P.(MD) No.3962 of 2025 were arrested and remanded to judicial custody 16.02.2025 for the offence punishable under Section 25(1-A) of the Arms Act, 1959, in Crime No.58 of 2025 on the file of the respondent-police.

3. The petitioner in Crl.O.P.(MD)No.3965 of 2025 was arrested and remanded to judicial custody 16.02.2025 for the offence punishable under Section 25(1-A) of the Arms Act in Crime No.57 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 16.02.2025, at about 06:30 to 06:45 hours, in two nearby locations, the petitioners herein were found armed with swords and threatening the general public. Hence, the case.

4. Mr.G.Rahul, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence. He further submits that a

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false case has been foisted against the petitioners. He further submits that the petitioners have been in incarceration since 16.02.2025. Hence, he prays to grant bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is one previous case against the first petitioner and six previous cases against the second petitioner in Crl.O.P.(MD).No.3962 of 2025. He further submits that there is one previous case against the petitioner in Crl.O.P.(MD).No.3965 of 2025. He further submits that the petitioners are history-sheeted rowdies. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. The petitioners were arrested and have been in judicial custody since 16.02.2025. On perusing the records, it reveals the fact that the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioners and taking note of the fact that the petitioners have previous cases and with a view to

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give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(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, 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;

(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;

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(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 them 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 not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with the evidence;

(viii) The petitioners shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam 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].

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

sd/-
03/03/2025

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

TSG

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,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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

+2 CC to M/s.G.RAGHUL, Advocate (SR-2295,2296[I] dated 03/03/2025)

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ORDER
IN
CRL OP(MD). Nos.3962 & 3965 of 2025
Date :03/03/2025

SS/SAR- /03/03/2025/ 8P/8C

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

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