



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4053 of 2025

Gunasekaran

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime No.23 of 2025

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.23 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 28.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 13.02.2025 for the alleged offences punishable under Sections 296(b), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.23 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to matrimonial dispute, on 10.02.2025, there was a wordy quarrel between the petitioner and the defacto complainant, who are husband and wife. At that time, the petitioner assaulted the defacto complainant by using wooden log, thereby, causing injuries to her. Hence the case.

4. Mr.T.Veerakumar, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He however submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 13.02.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side)



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appearing for the respondent-police, submits that the defacto complainant sustained fracture on her right hand, and that she was admitted in the hospital on 10.02.2025 and discharged on 11.03.2025. He further submits that the petitioner has no previous case. He further submits that if the petitioner is enlarged on bail, he will cause threat to his wife/defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 13.02.2025 and has been in judicial custody. The defacto complainant is none other than the wife of the petitioner. There was a matrimonial dispute between them, due to which the petitioner caused grievous injuries to the defacto complainant by using a wooden log. The defacto complainant was admitted in the hospital on 10.02.2025 and discharged on 11.03.2025. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the fact that the petitioner is a first offender, and with a view to give an opportunity to the petitioner 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



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Thousand only) 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, Thirumayam;

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

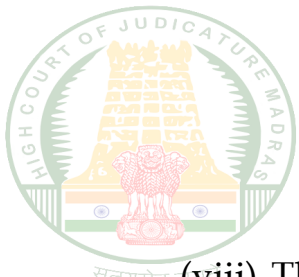
(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thirumayam;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Thirumayam, on all working days at 10.00 a.m., until further orders;

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

(vi) 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;

(vii) 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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(viii) The petitioner shall also not directly or indirectly cause any threat to his wife/defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumayam 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/-
13/03/2025

/ TRUE COPY /

14/03/2025

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

mbi
TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.
- 3 THE OFFICER INCHARGE, SUB JAIL, THIRUMAYAM.
- 4 THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION, PUDUKKOTTAI DISTRICT.



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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-2730[I] dated 13/03/2025)

ORDER
IN
CRL OP(MD) No.4053 of 2025
Date :13/03/2025

NBF/SAR/ (14/03/2025) 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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