



Crl.O.P.(MD).No.4096 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP(MD). Nos.4096, 4099 & 4110 of 2025

Crl.O.P.(MD).No.4096 of 2025

Vivek

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Vallathirakottai Police Station,
Pudukottai District.
(Crime No. 14 of 2025)

... Respondent/ Complainant

For Petitioner : Ms.S.Prabha, Advocate

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

Crl.O.P.(MD).No.4099 of 2025

Karthick

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Vallathirakottai Police Station,
Pudukottai District.
(Crime No. 14 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.D.Ramesh Kumar, Advocate

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

Crl.O.P.(MD).No.4110 of 2025

1.Deva

2.Parthiban @ Kalai

3.Saravanan

4.Vijayabaskar

... Petitioners/ Accused Nos.6 to 9



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Vs

The Inspector of Police,
Vallathirakottai Police Station,
Pudukottai District.
(Crime No. 14 of 2025)

... Respondent/Complainant

For Petitioners : Ms.S.Prabha, 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 No.14 of 2025 on the file of the respondent-police.

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

These Criminal Original Petitions have been filed by the petitioners on 03.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioners were arrested and remanded to judicial custody on 10.02.2025 and 13.02.2025 respectively for the offences punishable under Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 109(1) and 351(3) of BNS, 2023 in Crime No.14 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to a prior enmity regarding the submersion of the Vinayagar idol, on 09.02.2025, at about 04.30 p.m., near Thoppukollai Camp, the petitioners unlawfully assembled with deadly weapons, waylaid the victim, abused him by using filthy language, and assaulted him, causing



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grievous injury in his tarsal area. Hence, the case.

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4. Ms.S.Prabha, learned counsel appearing for the petitioners in Crl.O.P.(MD) Nos.4096 and 4110 of 2025, and Mr.D.Ramesh Kumar, learned counsel appearing for the petitioner in Crl.O.P.(MD) No.4099 of 2025, submit that the petitioners have nothing to do with the alleged offence and that they have been falsely implicated in this case. They further submit that, in fact, the defacto complainant and their associates assaulted the petitioners and their friends, and that there are case and counter case pending investigation before the respondent-police in Crime Nos.14 and 15 of 2025. They further submit that the petitioner in Crl.O.P.(MD) No.4096 of 2025, viz., Vivek, has also suffered grievous injuries. They further submit that the petitioners in Crl.O.P.(MD) Nos.4099 and 4110 of 2025 were arrested and remanded to judicial custody on 10.02.2025, and the petitioner in Crl.O.P.(MD) No.4096 of 2025 was arrested and remanded to judicial custody on 13.02.2025. They further submit that the petitioners are law-abiding citizens and are ready to abide by any conditions that may be imposed by this Court, and that they will not abscond in the future or tamper with the evidence. Hence, they pray that bail be granted to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that the petitioner in Crl.O.P.(MD). No.4099 of 2025/Accused No.1 has three previous cases, the petitioner in Crl.O.P.



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(MD)No.4096 of 2025/Accused No.2 has four previous cases and he is a history-sheeted rowdy, one of the petitioners in Crl.O.P.(MD).No.4110 of 2025 viz., Saravanan/Accused No.8 has one previous case, and the petitioner Nos.1, 2 and 4 in Crl.O.P.(MD).No.4110 of 2025/Accused Nos.6, 7 and 9 viz., Deva, Parthiban and Vijayabaskar have no previous case. He further submits that if the petitioners are released on bail, they will cause threat to the defacto complainant, his brothers including the victim, their friends, and witnesses, and that they will create law and order problem in the society. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. Considering the bad antecedents and the overt act allegedly committed by the petitioner in Crl.O.P.(MD) No.4099 of 2025 and the petitioner in Crl.O.P.(MD) No.4096 of 2025, this Court is not inclined to grant bail to the above said petitioners.

8. As far as the third petitioner in Crl.O.P.(MD)No.4110 of 2025 viz., Saravanan/Accused No.8 is concerned, he has one previous case, which is related to the offences punishable under NDPS Act. Hence, this Court is of the opinion that if bail is granted to the third petitioner in Crl.O.P.(MD)No.4110 of 2025 viz., Saravanan/ Accused No.8, he will cause threat to the defacto complainant and witnesses, and commit the similar offence again. Hence, this Court is also not inclined



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to grant bail to the third petitioner in Crl.O.P.(MD)No.4110 of 2025 viz., Saravanan/
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Accused No.8.

9. As far as the petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025/ A6, A7, A9 are concerned, they were arrested and have been in judicial custody since 10.02.2025. On perusing the records, it reveals the fact that the petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025/ A6, A7, A9 have permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025/ A6, A7, A9 are first offenders and with a view to give an opportunity to the petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025/ A6, A7, A9 to reform themselves, this Court is inclined to grant bail to them, however, subject to certain conditions. Accordingly, bail is granted to the petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025/ A6, A7, A9 subject to the following conditions:

(i) The petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025 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 I, Pudukkottai, Pudukkottai District;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate I, Pudukkottai, Pudukkottai District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025 shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025 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 petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025 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 petitioner Nos.1, 2 and 4 in Crl.O.P.(MD) No.4110 of 2025 shall also not directly or indirectly cause threat to the defacto complainant and the witnesses;

(vii) The petitioner Nos.1, 2 and 4 in Crl.O.P.(MD).No.4110 of 2025 shall furnish their residential address and mobile number to the learned Judicial Magistrate I, Pudukkottai, Pudukkottai District;

(viii) The petitioner Nos.1, 2 and 4 in Crl.O.P.(MD).No.4110 of 2025 shall appear



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and sign before the learned Judicial Magistrate I, Pudukkottai, Pudukkottai District
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on all working days at 10.30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Pudukkottai, Pudukkottai District is entitled to pass appropriate orders against the petitioner Nos.1, 2 and 4 in Crl.O.P.(MD).No.4110 of 2025 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].

10. In the result,

(i) Crl.O.P.(MD).No.4110 of 2025 stands allowed in respect of petitioner Nos.1, 2 and 4 / Accused Nos.6, 7 and 9 subject to the conditions stated supra and dismissed in respect of the third petitioner/ Accused No.8.

(ii) Crl.O.P.(MD).Nos.4096 and 4099 of 2025 are dismissed in respect of the petitioners/ Accused Nos.1 and 2.

sd/-
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Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1 THE JUDICIAL MAGISTRATE NO.I, PUDUKOTTAI, PUDUKKOTTAI DISTRICT

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE, VALLATHIRAKOTTAI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

ORDER
IN

CRL OP(MD). Nos.4096, 4099 & 4110 of 2025

Date :07/03/2025

RS/IT/SAR-(07.03.2025) 8P 6C

Madurai Bench of Madras High Court is issuing
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