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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4677 of 2025

Ajith Kumar

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No.10 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.10 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 petitioner on 11.03.2025

<https://www.mhc.tn.gov.in/judis> under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



grant bail.

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2. The petitioner/ Accused No.3 was arrested and remanded to judicial custody on 13.01.2025 for the alleged offences punishable under Sections 109, 115(2), 126(2), 127(2), 191(2), 191(3), 296(b) & 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 @ Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 109, 351(3) & 103(1) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 01.01.2025, when A2 was riding his bike rashly, the defacto complainant and one Mohan warned him, and therefore, a scuffle arose between them. Due to the said enmity, on 12.01.2025, at about 9.45 p.m., A2, along with the petitioner (A3) and other accused persons (A1 and A4 to A6), intercepted the defacto complainant and the said Mohan, abused them in filthy language, and A1 stabbed Mohan in the stomach with a knife while the petitioner/ A3 and A4 were holding Mohan. When the defacto complainant attempted to safeguard him, A5 and A6 held the defacto complainant, and A1 attacked the defacto complainant on his head with a knife. The defacto complainant and the said Mohan were admitted in the hospital. Later, Mohan succumbed to his injuries on 15.01.2025. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner,

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submits that the petitioner is an innocent person and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 13.01.2025. He also submits that the petitioner was not involved in any other case except this one and that one of the co-accused persons i.e., A5, was granted bail by the learned Principal Sessions Judge, Theni, in CrI.M.P. No. 629 of 2025, on 17.03.2025. He further submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner and the other accused person/A4 were holding the hands of the deceased while A1 stabbed the deceased with a knife. He further submits that the defacto complainant was admitted in the hospital on 12.01.2025 and discharged on 15.01.2025, and the deceased succumbed to his injuries on 15.01.2025. He also submits that the investigation is complete, and the respondent-police are going to file the charge sheet after obtaining the postmortem report. He further submits that the petitioner has no previous cases. However, he submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant, the family members of the deceased, and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.



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

7. The petitioner was arrested on 13.01.2025 and has been in judicial custody since then. The overt act of the petitioner in this case is that the petitioner and the other accused person/A4 were holding the hands of the deceased while A1 stabbed him with a knife. One of the victims, i.e., the defacto complainant, was admitted to the hospital on 12.01.2025 and discharged on 15.01.2025, and another victim, i.e., the deceased, died on 15.01.2025. However, the petitioner has no previous cases. Considering the same and the overt act of the petitioner, and taking note of the period of incarceration and the facts that this is a case in counter and one of the co-accused person/A5 has already been granted bail, 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.10,000/- (Rupees Ten Thousand only) 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, Theni;

(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, Theni shall obtain



a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

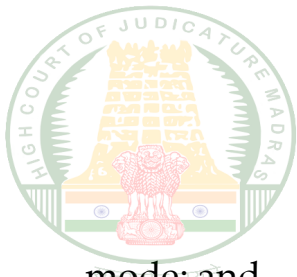
(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni;

(vii) The petitioner shall stay at Madurai after execution of Suretyship, and appear and sign before the Inspector of Police, Mattuthavani Police Station, Madurai daily at 10.00 a.m. and 5.00 p.m., until further orders;

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

(ix) The petitioner shall not directly or indirectly cause any threat to the defacto complainant, the family members of the deceased and the witnesses, and shall also not try to contact the defacto complainant either directly or through any electronic



mode; and

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(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam, Theni 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/-
20/03/2025

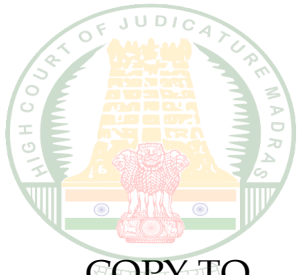
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21/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd
TO

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

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



COPY TO

THE INSPECTOR OF POLICE, MATTUTHAVANI POLICE STATION, MADURAI.

ORDER

IN

CRL OP(MD) No.4677 of 2025

Date :20/03/2025

NBF/ SAR/ (21/03/2025) 7P/7C

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