



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4716 of 2025

Muthuselvam

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Achanpudur Police Station,
Tenkasi District.
Crime No.58/2025

... Respondent/ Complainant

For Petitioner : Mr.R.Manojkumar
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.58/2025 on the file of the respondent – Police.

ORDER :- The Court made the following order :-
<https://www.mhc.tn.gov.in/judis>



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This Criminal Original Petition has been filed by the petitioner on 11.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.2 was arrested and remanded to judicial custody on 23.02.2025 for the alleged offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 109(1) and 351(3) of BNS, 2023 in Crime No.58 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, during the Devar Jeyanthi festival, the accused persons burst crackers in front of one Muthuselvam's house, which was questioned by him, subsequent to which a scuffle ensued between them. Due to this, on 17.02.2025, the petitioner herein and other accused persons came to the defacto complainant's place and inquired about the said Muthuselvam with the defacto complainant and one Sairam, who are friends of Muthuselvam, and insisted that Sairam call Muthuselvam. However, Sairam did not respond. At that time, the accused persons attacked the defacto complainant and Sairam with deadly weapons, causing grievous injuries, abused them in filthy language, and also threatened them with dire consequences. Hence, the case.

4. Mr.R.Manojkumar, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged



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by the prosecution, and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that all the accused persons attacked the defacto complainant and his friend with deadly weapons, thereby causing injuries to them. He further submits that one previous case is pending against the petitioner and that the injured persons have been discharged from the hospital. He also submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, threaten the defacto complainant and the victim, and delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 23.02.2025, and he has been in judicial custody since then i.e., for more than 25 days. 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 overt act of the petitioner and the period of incarceration, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to



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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 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, Sengottai;

(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, Sengottai 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, Sengottai;

(iv) The petitioner shall appear and sign before the Inspector of Police, Sivagiri Police Station daily at 10.00 a.m., and 5.00 p.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



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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;

(viii) The petitioner shall not directly or indirectly any threat to the defacto complainant, the another victim, and witnesses;

(ix) The petitioner shall not enter into the defacto complainant as well as the victim's house and their work place; and

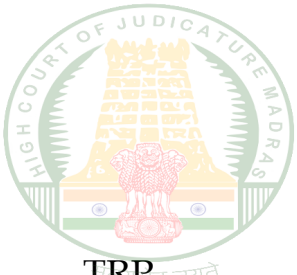
(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sengottai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
19/03/2025

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19/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



TRP
TO
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- 1 THE JUDICIAL MAGISTRATE, SENGOTTAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
ACHANPUDUR POLICE STATION, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4716 of 2025
Date :19/03/2025

NBF/SAR/ (19/03/2025) 6P/6C

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