



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.4719 of 2025

Balamurugan

... Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Theppakulam Police Station,
Madurai District.
Crime No.123 of 2025

... Respondent/ Complainant

For Petitioner : Mr.S.Srikanth

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.123 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 11.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner /A5 was arrested and remanded to judicial custody on 18.02.2025 for the alleged offences punishable under Section 310(4) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.123 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 18.02.2025, while the respondent-police were on patrol duty, they received a tip-off that some individuals were sitting and talking inside the thorn bushes, armed with weapons. On reaching the spot, they found that the accused persons were in possession of lethal weapons and chili powder, and they were preparing to commit robbery against the public. Hence the case.

4. Mr.S.Srikanth, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any condition to be imposed by this Court. He further submits that the petitioner has been in judicial custody since 18.02.2025. He therefore prays to grant bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner has two previous cases, which are not similar in nature. He further submits that the petitioner, along with the other accused persons, was planning to commit robbery against the public, and therefore, if the petitioner is enlarged on bail, he will commit a similar offence and endanger the public. 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 on 18.02.2025 and has been in judicial custody. In view of the offences alleged against the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Considering the same, and also considering the period of incarceration, 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.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 No.I, Madurai;

(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 No.I, Madurai 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 No.I, Madurai;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 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;

(viii) The petitioner shall also not directly or indirectly cause threat to the witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Madurai is entitled to pass appropriate orders against the petitioner



in accordance with law as if the aforementioned conditions are imposed by him as
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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

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14/03/2025

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

MBI
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION, MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4719 of 2025
Date :13/03/2025

NBF/SAR/ (14/03/2025) 5P/6C

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