



CRL OP (MD) No.4809 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Rajesh,
S/o.Sekar,
1/292B, Ayyanar Colony,
East Side,
Keela Kuttuten Kadu,
Pudhukottai,
Thoothukudi District.

... Petitioner/Accused rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Pudhukottai Police Station,
Thoothukudi District.
Crime No.370/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Muthu Malai Raja,
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.370 of 2024 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 12.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Accused (Rank not known) was arrested and remanded to judicial custody on 05.01.2025 for the offences punishable under Sections 49, 61(2), 249(a), 3(5), 126(2), 296(b), 109(1) and 351(3) of BNS, 2023, in Crime No.370 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that there was a previous dispute between the petitioner and the defacto complainant's brother, Vellaikannu, regarding an attack. While this was the situation, on 03.12.2024, at about 09:15 a.m., when the defacto complainant's brother was standing in a workshop near Kootampuli Bazar, the accused persons, who are friends of the petitioner, attacked the defacto complainant's



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brother with an aruval, causing grievous injuries. While the defacto complainant and his other brother, Sivaperumal, were trying to intervene, the accused persons also attacked them. The defacto complainant's brother, Vellaikannu, succumbed to his injuries. Hence, the case.

4. Mr.S.Muthu Malai Raja, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He further submits that this Court has already granted bail to Accused Nos.9 and 10 *vide* orders dated 07.02.2025 and 25.02.2025 made in CrI.O.P.(MD).Nos.2406 and 3569 of 2025, respectively. He further submits that the petitioner has been in judicial custody since 05.01.2025 and that he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that it was only due to the dispute between the petitioner and the deceased that the other accused persons attacked the deceased and murdered him. He further submits that the investigation has been completed, charge sheet has been filed, and the same was taken on file by the learned



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Judicial Magistrate III, Thoothukudi in P.R.C.No.17 of 2025. He further submits that if the petitioner is enlarged on bail, he may cause threat to the defacto complainant and other witnesses and thereby, delay the trial proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.

6. This Court has considered the submissions made on either side and perused the records

7. In view of the allegation made against the petitioner in the First Information Report and in view of the fact that the charge sheet has been before the concerned Court and the same was taken on file in P.R.C.No.17 of 2025, this Court is of the opinion that further custody of the petitioner is not necessary in this case.

8. Considering the same, and also considering the fact that the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding and the period of incarceration suffered by the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following

conditions:



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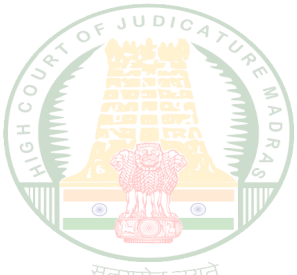
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate III, Thoothukudi;

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

(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 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



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from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses, and shall not enter into the residence of the defacto complainant or his work place until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the the learned Judicial Magistrate III, Thoothukudi;

(viii) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., and 05.00 p.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate III, Thoothukudi, 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].



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

sd/-
17/03/2025

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18/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE III
THOOTHUKUDI

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PUDHUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-2899[I] dated 17/03/2025)



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ORDER
IN
CRL OP(MD) No.4809 of 2025
Date :17/03/2025

SS/SAR- /18/03/2025/ 8P/7C

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