



CRL OP (MD) No.4808 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4808 of 2025

Harishkumar

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Gudalur South Police Station,
Theni District.
Crime No.11 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.11 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 12.03.2025

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



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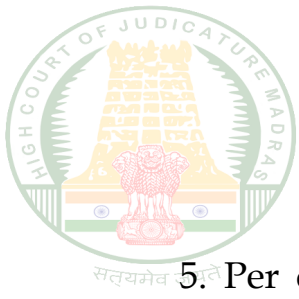
to grant bail.

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2. The petitioner/A2 was arrested and remanded to judicial custody on 20.02.2025 for the alleged offences punishable under Sections 49 and 232(1) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.11 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant lodged a complaint against the petitioner. Based on the complaint, a case was registered in Crime No.94 of 2022 on the file of the respondent-Police. The petitioner is facing trial in S.C.No.16 of 2022 on the file of the Fast Track Mahila Court, Theni. In such situation, the petitioner along with A1 threatened the defacto complainant to withdraw the case. Hence, the complaint.

4. Mr.S.Sundarapandian, 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 further submits that the defacto complainant has prior motive and only to wreak vengeance, she has falsely foisted the complaint. He further submits that the petitioner was arrested on 20.02.2025 and has been in incarceration for the past 23 days. He further submits that the petitioner is ready to abide by any condition that may be imposed by this Court. 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 if bail is granted, he will cause threat to the defacto complainant and witnesses, and thereby further delay the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. It is to be noted that the defacto complainant has already given evidence in S.C.No.16 of 2022 on the file of the Fast Track Mahila Court, Theni. In view of the offence alleged against the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary. Considering the same, and taking note of 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 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, Uthamapalayam;

(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 shall obtain a copy
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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, Uthamapalayam;

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

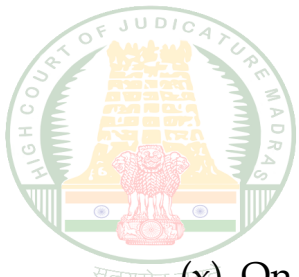
(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(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 any threat to the defacto complainant and the witnesses;

(ix) The petitioner shall not enter into the defacto complainant's house or workplace and shall also not try to contact the defacto complainant either directly or through any electronic mode; and



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सत्यमेव जयते (x) On breach of any of the aforementioned conditions, the learned Judicial
WEB COPY Magistrate, Uthamapalayam 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/-
14/03/2025

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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,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM.

4 THE SUB INSPECTOR OF POLICE,
GUDALUR SOUTH POLICE STATION,
THENI DISTRICT.

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

MADURAI

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



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COPY TO:

THE FAST TRACK MAHILA JUDGE,
THENI.

ORDER

IN

CRL OP(MD) No.4808 of 2025

Date :14/03/2025

SA/SAR. /14.03.2025/6P/7C

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