



CRL OP (MD) No.5332 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Murugesan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
A.W.P.S., Tirunelveli Rural,
Tirunelveli District.
Crime No.5 of 2025

... Respondent/Complainant

For Petitioner : Mr.M.U.Shameem John

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.5 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 19.03.2025 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 24.01.2025 for the alleged offences punishable under Sections 87, 70(1) & 115(2) of

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



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Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.5 of 2025, on the file of the
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respondent-police.

3. The case of the prosecution is that the Accused No.1, who is working in Railway Department at Tirunelveli, and the defacto complainant are known each other. On 23.01.2025, at about 9.00 a.m., when the defacto complainant reached Tirunelveli Railway Junction by Gurvayur Express train, the Accused No.1 approached the defacto complainant to go to hotel for having dinner. In hotel, the Accused No.1 consumed liquor and due to deficit of money, he contacted the petitioner/A2, A1's friend. After paying money by A2, A1 assured that he brought the defacto complainant to Thiruchendur by his car, bearing registration No.TN-72-BR-1743. Believing his words, the defacto complainant went to the house of A1 at Venkalapottal. There, the accused persons were forcibly having physical relationship with the defacto complainant. Hence, this case.

4. Mr.M.U.Shameem John, learned counsel appearing for the petitioner, submits that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submits that due to the dispute with regard to the payment, the defacto complainant has lodged a false case against A1 and A2. He further submits that A1 was granted bail by the



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learned Principal Sessions Judge, Tirunelveli in Cr.M.P.No.1148 of 2025 on 17.03.2025.

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He further submits that the petitioner has been in judicial custody since 24.01.2025, and he has no previous 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.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that based on the complaint of the defacto complainant, the petitioner has been arrayed as A2. He further submits that the investigation is complete. He however submits that if this Court grants bail to the petitioner, he may cause threat to the defacto complainant. 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 24.01.2025 and has been in judicial custody. In view of the facts that A1 was granted bail by the learned Principal Sessions Judge, Tirunelveli, the petitioner has no previous case, and the investigation is complete in this case, 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, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions.



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Accordingly, bail is granted to the petitioner subject to the following conditions:

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(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.V, Tirunelveli;

(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.V, Tirunelveli 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.V, Tirunelveli;

(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



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

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(viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and 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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.V, Tirunelveli 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/-
21/03/2025

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



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TO
1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
A.W.P.S., TIRUNELVELI RURAL,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.UVAIS AHAMED KHAN, Advocate (SR-3243[I] dated 21/03/2025)

ORDER IN
CRL OP(MD) No.5332 of 2025
Date :21/03/2025

SA/SAR. /21.03.2025/6P/7C

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