



CRL OP (MD) No.5158 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5158 of 2025

Anthony

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
Rep by. The Inspector of Police,
Sambavarvadakarai Police Station,
Tenkasi District.
Crime No.42 of 2025.

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.42 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 12.02.2025 for the offences punishable under Sections 296(b) & 103 of Bharatiya Nyaya Sanhita (BNS), 2023, altered into Sections 103(1), 296(b) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.42 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the daughter of the deceased. The petitioner used to occasionally meet a woman residing in the house near the deceased's shop during the absence of her husband. The deceased had advised the petitioner in this regard. Due to the said issue, on 11.02.2025, at about 05:30 p.m., when the defacto complainant went to her father's shop, the petitioner also came there and questioned the said woman, who was allegedly having an illicit connection with him, as to why she had allowed the deceased into the house. In the



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presence of others, the petitioner also alleged that the deceased had grabbed his daughter's hand and pulled her. When the deceased questioned the petitioner and asked him not to insult him by making false accusations, the petitioner attacked the deceased with bricks on his head, causing grievous injuries. Thereafter, the deceased was taken to the hospital and admitted in Kamala Nursing Home, Surandai. Thereafter, he was referred to Tirunelveli Medical College Hospital, where he succumbed to his injuries on the same day. Hence, the complaint.

4. Mr.D.Rajaboopathy, learned Counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 12.02.2025 and 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, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation is almost complete and that the respondent-police are awaiting for the FSL report. He further submits that there is one previous case pending against the petitioner for the



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offence punishable under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002. He further submits that if the petitioner is enlarged on bail, he may cause threat to the family members of the deceased and witnesses. Accordingly, he strongly opposes to grant bail to the petitioner.

6. This Court has considered the submissions made on either side. This Court has perused records including the First Information Report.

7. In view of the allegation made in the First Information Report, it appears that due to sudden provocation, the alleged offence happened. Hence, this Court is of the opinion that further custody of the petitioner is not necessary in this case for the Investigation Agency. 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 taking note of the fact that there is one previous case pending against the petitioner for the offence punishable under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002, 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 District Munsif cum Judicial Magistrate Court, Shencottah, Tenkasi District;

(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 District Munsif cum Judicial Magistrate Court, Shencottah, Tenkasi District, 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 District Munsif cum Judicial Magistrate Court, Shencottah, Tenkasi District,;

(iv) The petitioner shall stay at Virudhunagar after execution of suretyship, and appear and sign before the Inspector of Police, Bazaar Police Station, Virudhunagar, daily at 10.00 a.m and 05.00 p.m., until further orders;



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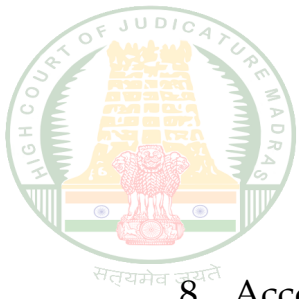
(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of 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 not, directly or indirectly, cause any threat to the defacto complainant, the family members of the deceased and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate Court, Shencottah, Tenkasi District, 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-

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09/04/2025

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

VSG

TO

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

COPY TO:

THE INSPECTOR OF POLICE
BAZZAR POLICE STATION, VIRUDHUNAGAR.



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ORDER

IN

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Date :09/04/2025

SS/SAR- /09/04/2025/ 8P/7C

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