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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.5159 of 2025

Jeyaveeravigneswarar,
S/o.Theediyaselvam,
No.30, Sundarapura Ahragaram,
Manamadurai,
Sivagangai District.

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
Sivagangai Town Police Station,
(Crime No.107/2025).

... Respondent/Complainant

For Petitioner : Mr.Muniyappan.S,
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.107 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 18.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 28.02.2025 for the offences punishable under Sections 296(b), 329(4), 115(2), 324 (4), 303(2), 351(2) of BNS, 2023 r/w Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 in Crime No.107 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to a previous dispute between the friend of the defacto complainant's son and A1, on 23.02.2025, at 20:00 hours, A1, A2, and the petitioner/A3 trespassed into the house of the defacto complainant, abused the defacto complainant and his other son in filthy language, caused damage to the household articles and an LED TV worth about Rs.40,000/-, attacked the defacto complainant's other son, threatened them with dire consequences, and snatched the cell phone of the defacto complainant. Hence, the complaint.

4. Mr.S.Muniyappan, the learned counsel appearing for the petitioner, submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner did not commit any offence as alleged by the prosecution, and that he was not present at the scene of occurrence. He, however, submits that the petitioner has



been in judicial custody since 28.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays for granting bail to the petitioner herein.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is a history-sheeted rowdy in H.S.No.522 of 2024, maintained by the Manamadurai Police Station, and therefore, if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and his family members and may tamper with the evidence. He further submits that the petitioner caused damage to the household articles worth about Rs.40,000/-, and that the cell phone has not yet been recovered from the accused persons. He further submits that no one was injured in this case. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 28.02.2025. The petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and taking note of the fact that no one was suffered injury, 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:

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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, Sivagangai;

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

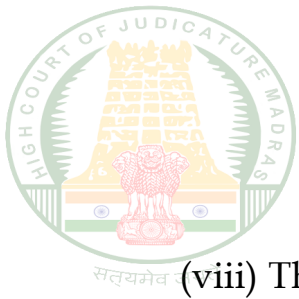
(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Sivagangai;

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

(v) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.107 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Sivagangai;

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

(vii) 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;



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(viii) 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;

(ix) The petitioner shall not enter into the house and workplace of the defacto complainant;

(x) The petitioner shall not directly or indirectly cause any threat to the defacto complainant, his family members, and witnesses;

(xi) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode; and

(xii) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Sivagangai, 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. The learned Judicial Magistrate, Sivagangi shall deposit the amount to be deposited by the petitioner in an interest-bearing fixed deposit in anyone of the nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.107 of 2025. The learned



Judicial Magistrate/Trial Court shall pass a final order qua the entitlement of the
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deposit amount in its final order/judgment.

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

sd/-
20/03/2025

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21/03/2025

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

TSG
TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGANGAI.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.MUNIYAPPAN, Advocate (SR-3154[I] dated 20/03/2025)

ORDER
IN

CRL OP(MD) No.5159 of 2025



Date :20/03/2025

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NBF/SAR/ (21/03/2025) 7P/7C

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