



CRL OP (MD) No.5658 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Sanjaykumar

2.Prabin Kumar

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
Crime No.131 of 2025

... Respondent/Complainant

For Petitioners : Mr.S.Malaikani

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.131 of 2025 on the file of the respondent-police.



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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 25.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioners/ A1 and A2 were arrested and remanded to judicial custody on 21.02.2025 for the alleged offences punishable under Sections 126(2), 296(b), 115 (2), 309(4), 109(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.131 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.02.2025, at about 01.00 p.m., when the defacto complainant was proceeding from north to south near Vaithiyalingasamy Sastha Temple, the accused persons came on a two-wheeler, waylaid him, abused him in filthy language, assaulted him with a sickle, snatched his ring, and took away a sum of Rs.1,400/- from him. Hence the case.

4. Mr.S.Malaikani, learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submits that the petitioners have been in judicial custody since 21.02.2025 and are ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the

petitioners

<https://www.jmc.tn.gov.in/jedis>



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the first petitioner has 13 previous cases and is a history-sheeter in H.S.No.238 of 2024 on the file of the Courtallam Police Station, and that the second petitioner has four previous cases. He further submits that the properties have been recovered from the accused persons. He also submits that the investigation has not been completed and the respondent-police are going to file the charge sheet shortly. However, he submits that if the petitioners are enlarged on bail, they will cause threat to the defacto complainant and witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested on 21.02.2025 and have been in judicial custody since then. Admittedly, the defacto complainant has not sustained any injury. It is stated that a 4-gram ring and Rs.1,400/- were recovered from the petitioners. Considering the nature of the offences allegedly committed by the petitioners, and also considering the fact that the investigation has been completed and the respondent-police are going to file the charge sheet shortly, and taking note of the period of incarceration, and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the



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petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri;

(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 Additional District Munsif cum Judicial Magistrate, Sivagiri shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Additional District Munsif cum Judicial Magistrate, Sivagiri;

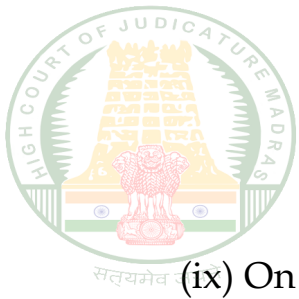
(iv) The petitioners shall appear and sign before the learned Additional District Munsif cum Judicial Magistrate, Sivagiri on all working days at 10.30 a.m., until further orders;

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

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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 petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses; and



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(ix) On breach of any of the aforementioned conditions, the learned Additional District Munsif cum Judicial Magistrate, Sivagiri is entitled to pass appropriate orders against the petitioners 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/-
27/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

To

1 THE ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, SIVAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
TENKASI DISTRICT.

3.The Superintendent of Prison,
Central Prison, Palayamkottai

4.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.



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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-3534[I] dated 27/03/2025)

ORDER
IN
CRL OP(MD) No.5658 of 2025
Date :27/03/2025

MK/SAR /27.03.2025 6P/7C

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