



CRL OP (MD) No.5743 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

CRL OP (MD) No.5743 of 2025

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... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi.
Crime No.29 of 2025

... Respondent/ Complainant

For Petitioner : Mr.G.Mohankumar

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.29 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-
<https://www.tnhc.tn.gov.in/judis>



CRL OP (MD) No.5743 of 2025

WEB COPY

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

2. The petitioner/accused was arrested and remanded to judicial custody on 14.03.2025 for the alleged offences punishable under Sections 75(1), 75(2) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.29 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.03.2025, at about 09:00 p.m., the defacto complainant was returning along with the petitioner, who is the uncle of the defacto complainant, on his bike after going to one Mani's house to receive money. The petitioner stopped the bike, misbehaved with the defacto complainant, and criminally intimidated the defacto complainant. Hence, the case.

4. Mr.G.Mohankumar, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that, due to a money dispute between the parties, a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since



CRL OP (MD) No.5743 of 2025

14.03.2025 and is ready to abide by any condition that may be imposed by this Court.

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He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation has been completed and the charge sheet has been made ready. He further submits that the petitioner has four previous cases. He, however, submits that if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and her family members. 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 14.03.2025 and has been in judicial custody since then. It appears that, in this case, the investigation has been completed and the respondent-police are going to file the charge sheet shortly. In view of this development, this Court is of the opinion that the further custody of the petitioner is not necessary for the Investigation Agency in this case. Considering the same and also considering the age of the petitioner and the period of incarceration and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined



CRL OP (MD) No.5743 of 2025

to grant bail to the petitioner, however, subject to certain conditions. Accordingly,

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

(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, Ottapidaram;

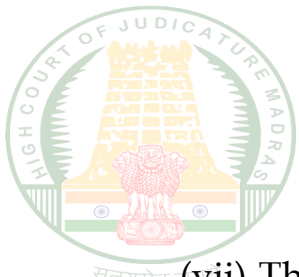
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Ottapidaram shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Ottapidaram, on all working days, at 10.30 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;



CRL OP (MD) No.5743 of 2025

WEB COPY

(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, her family members, and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Ottapidaram 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/-
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.

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CRL OP (MD) No.5743 of 2025

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1 THE JUDICIAL MAGISTRATE
OTTAPIDARAM

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE OFFICER INCHARGE
DISTRICT JAIL, PERAORANI.

4 THE INSPECTOR OF POLICE
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI.

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

+1 CC to M/s.G.MOHAN KUMAR, Advocate (SR-3575[I] dated 27/03/2025)

ORDER

IN

CRL OP(MD) No.5743 of 2025

Date :27/03/2025

HPS/SAR / 27.03.2025/6P/6C

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