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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5847 of 2025

Rajesh,
S/o Packiyaraj,
Kani Xerox Santhu,
Madurai Mukku,
Sivagangai,
Sivagangai District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sivagangai Town Police Station.
Cr. No. 107/2025

... Respondent/Complainant

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

PRAYER :-

<https://www.mca.gov.in/jms> For Bail in Crime No.107 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 26.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.1 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 TNPPDL Act 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 about 20:00 hours, A1 / petitioner, A2, and A3 trespassed into the house of the defacto complainant, abused the defacto complainant and his son in filthy language, caused damage to the household articles and an LED TV worth about Rs.40,000/-, attacked the defacto complainant's son, threatened them with dire consequences, and snatched the cell phone of the defacto complainant. Hence, the complaint.



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4. Mr.R.R.Sankarakutralingam, 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. 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 further submits that the petitioner got fracture in his hands and legs. He therefore prays for granting bail to the petitioner herein.

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.968 of 2024, 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 there are 17 previous cases pending against the petitioner. 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. However, he prays to dismiss this Criminal Original Petition.



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

7. Considering the above, and considering the facts and circumstances of the case, and taking note of the fact that if bail is granted to the petitioner, he may abscond and cause threat to the defacto complainant and witnesses and considering the bad antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

28/03/2025

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/04/2025

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

TSG

TO

1 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,

2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



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

+1 CC to M/s.S.MUNIYAPPAN, Advocate (SR-3662[I] dated 28/03/2025)

ORDER
IN
CRL OP(MD) No.5847 of 2025
Date :28/03/2025

SS/SAR- /15/04/2025/ 5P/5C

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