



CRL OP (MD) No.5848 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Vignesh,
S/o.Perumal,
No.3, D.S.P. Nagar 1st Street,
Bye Pass Road,
Madurai - 625 016.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
S.S.Colony Police Station,
Madurai.
Crime No.170 of 2025

... Respondent/ Complainant

For Petitioner : Mr.M.Mohamed Rafi,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :-

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For Bail in Crime No.170 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 04.03.2025 for the offences punishable under Sections 296(b) & 131 of BNS, 2023 and Section 4 of the TNPHW Act, 2002, in Crime No.170 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that there was already a matrimonial dispute existing between the petitioner and the defacto complainant. On 16.02.2025, the petitioner consumed alcohol and beat the defacto complainant. As a result, on 16.02.2025, the defacto complainant swallowed sleeping tablets. Subsequently, she was taken to a private hospital. While the defacto complainant was undergoing treatment in the hospital, the petitioner went there and beat her on her cheek. Hence, the case.

4. Mr.M.Mohamed Rafi, learned counsel appearing for the petitioner, submits

that the petitioner has not committed any offence as alleged by the prosecution and



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that a false case has been foisted against the petitioner. He further submits that the respondent-police, without conducting proper enquiry, falsely registered a case against the petitioner. He further submits that the occurrence took place on 16.02.2025, but the complaint was registered only on 02.03.2025. He further submits that the petitioner and the defacto complainant have two children out of their wedlock. He further submits that the petitioner has borne all the hospital expenses of the defacto complainant. He further submits that the petitioner has been in judicial custody since 04.03.2025 and is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. In response to the above said submission, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and the defacto complainant have a matrimonial dispute. He further submits that there is no previous case pending against the petitioner. He further submits that if bail is granted to the petitioner, he may abscond, cause threat to the defacto complainant, and thereby cause delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was arrested on 04.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner, this Court



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is of the opinion that further custody of the petitioner is not necessary in this case for the Investigation Agency. Further, the petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a view to give an 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:

- (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 No.V, Madurai;
- (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 No.V, Madurai, 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 No.V, Madurai;
- (iv) The petitioner shall appear and sign before the Judicial Magistrate No.V, Madurai, weekly twice (i.e., on Monday and Friday) 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 he is accused, or suspected, of the commission of which he is suspected;

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(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 and witnesses; and

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.V, Madurai, 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/-
28/03/2025

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

TSG
To
1. The Judicial Magistrate No.V,
Madurai.

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2. Do-Through The Chief Judicial Magistrate,
Madurai District.

3. The Superintendent,
Central Prison, Madurai.

4. The Inspector of Police,
S.S.Colony Police Station,
Madurai.

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

ORDER
IN
CRL OP(MD) No.5848 of 2025
Date :28/03/2025

MK/SAR /28.03.2025 6P/6C

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