



CRL OP (MD) No.6207 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Mariyappan @ Mayandi
2. Esakkipandi @ Pandi

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.174 of 2025

... Respondent/ Complainant

For Petitioners : Mr.S.Sathyachidambaram, Advocate

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

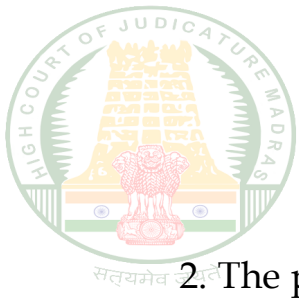
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.174 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 petitioners on 02.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioners/ Accused Nos.1 and 2 were arrested and remanded to judicial custody on 16.03.2025 for the alleged offence punishable under Sections 126(2), 296 (b), 109 and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.174 of 2025 on the file of the respondent-police.

3.The case of the prosecution is that a wordy quarrel arose between A1 and the defacto complainant, who is a real estate broker, regarding a request for a house construction plan, which the defacto complainant refused to provide. As a result, on 16.03.2025 at about 07:00 a.m., while the defacto complainant was riding his two-wheeler, the petitioners stopped him, abused him in filthy language, and attempted to attack him with deadly weapons. Hence, the complaint.

4. Mr.S.Sathyachidambaram, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioners. He further submits that if bail is granted to the petitioners, they will not cause any threat to the defacto complainant and the witnesses. He further submits that the petitioners have been in judicial custody since 16.03.2025 and are ready to abide by any conditions that may be imposed by this Court. He therefore prays for granting bail to the petitioners.

5. Per contra, Mr.K.Sanjai Ganesh, learned Government Advocate (Criminal



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Side) appearing for the respondent-police, submits that due to a wordy quarrel that arose between A1 and the defacto complainant, the petitioners waylaid the defacto complainant and attacked him with a deadly weapon. He further submits that no injury was caused to the defacto complainant. He also submits that if bail is granted to the petitioners, they may abscond and cause threat to the defacto complainant and the witnesses. He further submits that there are three previous cases against the first petitioner, while there is no previous case against the second petitioner. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. The petitioners were arrested and have been in judicial custody since 16.03.2025. In view of the offences allegedly committed by the petitioners and the fact that no injury was caused to the defacto complainant, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigation Agency in this case. Further, the petitioners have permanent residence, and therefore, there is less possibility of absconding. Considering the above and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of bail to the 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



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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 Judicial Magistrate, Cheranmahadevi, Tirunelveli District;

(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, Cheranmahadevi, Tirunelveli District, shall obtain a copy of any one of identity proofs to ensure their identity;

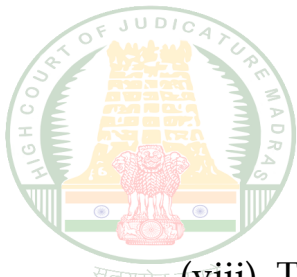
(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District;

(iv) The petitioners shall appear and sign before the respondent-police daily at 10.00 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District, 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, the Criminal Original Petition stands allowed subject to the conditions stated supra.

sd/-
08/04/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

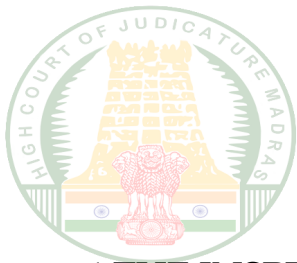
TSG

TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.



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4 THE INSPECTOR OF POLICE, SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN

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Date :08/04/2025

RS//SAR-(09.04.2025) 6P 6C
Madurai Bench of Madras High Court is issuing
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