



CRL OP (MD) No.7252 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Rajesh

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.107 of 2025)

... Respondent/Complainant

For Petitioner : Mr.R.Sankarakutralingam,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

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 17.04.2025



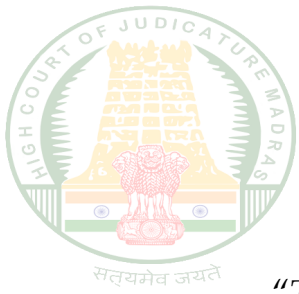
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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

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 Bharatiya Nyaya Sanhita (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 previous dispute between the friend of the defacto complainant's son and the petitioner (A1), on 23.02.2025 at about 20.00 hours, the petitioner (A1), 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 case.

4. Mr.R.Sankarakutralingam, learned counsel appearing for the petitioner, submits that the petitioner is suffering from a physical ailment. In support of his submission, the learned counsel has produced a certificate issued by the Assistant Civil Surgeon, Central Prison, Madurai, which reads as follows:



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"The above mentioned petitioner is an inmate of Central Prison, Madurai from 02.03.2025. On 01.03.2025 he was admitted in Madurai Medical College with the alleged history of Accident Fall on 28.02.2025 , under Ortho treatment. All necessary investigation taken. X-ray shows Compound fracture Bimalleolary Right Ankle with Fracture of Distal radius. Patient was advised surgical Fixation of the fracture. Since he gave unwillingness for surgery, they treated him conservatively with POP. At present, he is under regular monitoring by us inside the prison."

Therefore, on the medical ground, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, on instructions, submits that the competent authority has passed the detention order dated 02.04.2025 bearing Reference No.Cr.M.P.No.37/Goonda/2025 against the petitioner under Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982 [Act No.14 of 1982]. He further submits that there are 17 previous cases pending against the petitioner and



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that he is a history-sheeted rowdy. He also submits that the damage caused by the accused persons is estimated to be around Rs.40,000/-. It is further submitted that this is the second bail petition filed by the petitioner, and that the earlier petition filed before this Court was dismissed *vide* order dated 28.03.2025 in CrI.O.P.(MD) No.5847 of 2025. He further submits that the petitioner is not cooperating with the prison authorities to undergo the required surgery. Hence, the doctor has been treating the petitioner conservatively. He further submits that if the petitioner is enlarged on bail, he may abscond and cause threat to the defacto complainant and other witnesses. Accordingly, he opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records including the Medical Certificate issued by Assistant Civil Surgeon, Central Prison, Madurai as well as the Detention Order dated 02.04.2025 passed by the District Collector and District Magistrate, Sivagangai District, Sivagangai.

7. The petitioner was arrested on 28.02.2025 and has been in judicial custody since then. Though a detention order was passed against the petitioner on 02.04.2025, considering the nature of the offence allegedly committed by the petitioner, as well as his medical condition as reflected in the Medical Certificate, this Court is of the



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opinion that further custody of the petitioner is not necessary. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioner and with a view to give one more 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 Twenty 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, Sivagangai;

(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, Sivagangai 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, Sivagangai ;



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(iv) The petitioner shall appear and sign before the respondent- police daily at 9.00 am until further orders;

(v) The petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.107 of 2025 before the learned Judicial Magistrate, Sivagangai, without prejudice to his rights and contentions before the Trial Court, and produce the receipt/acknowledgment before the concerned Judicial Magistrate while executing sureties. Upon such deposit, the concerned Judicial Magistrate shall deposit the same in a fixed deposit scheme in any one of the Nationalized Banks for a period of one year, and thereafter, renew the same until the conclusion of the trial. The Trial Court shall pass an order *qua* entitlement of the said amount in its final order/judgment;

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

(vii) 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;



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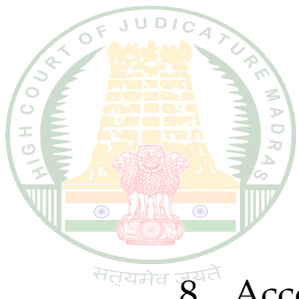
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(viii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(ix) The petitioner shall not enter into the defacto complainant's house or workplace;

(x) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sivagangai 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE
SIVAGANGAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SANKARAKUTRALINGAM, Advocate (SR-4577[I] dated
22/04/2025)



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ORDER

IN

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Date :22/04/2025

SS/SAR- /23/04/2025/ 9P/7C

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