



CRL OP(MD). No.6370 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6370 of 2025

Duraimanickam

... Petitioner/ Accused No.1

Vs

State of Tamil Nadu Rep. by
The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
Crime No.62 of 2025.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
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.62 of 2025 on the file of the respondent-police.



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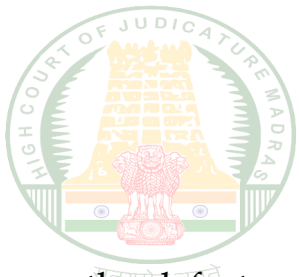
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.04.2025 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 06.03.2025 for the offences punishable under Sections 318(2) and 351(2) of BNS, 2023, in Crime No.62 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a wholesale seller of rice. The accused persons approached the defacto complainant and began purchasing rice from him. The defacto complainant supplied rice bags to the accused on various occasions. On each occasion, the accused made only part payments for the goods supplied. Whenever the defacto complainant demanded the balance amounts due, the accused persons evaded payment by giving false and frivolous excuses. Subsequently, the defacto complainant lodged a complaint with the respondent police, upon which C.S.R.No.315 of 2014 was assigned. Following this, the accused persons agreed to settle the dues and issued a cheque for a sum of Rs.5,00,000/- to

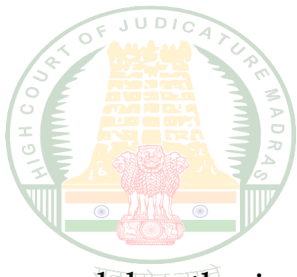


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the defacto complainant. However, when the cheque was presented for encashment, it was returned with the endorsement "insufficient funds". When the defacto complainant confronted the accused persons regarding the dishonoured cheque, they requested him to come to their place for settlement. When the defacto complainant and his friend went to the location as requested, the accused persons threatened them with dire consequences and refused to repay the amount. Hence, the case.

4. Mr.D.Venkatesh, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 06.03.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there are two previous cases pending against the petitioner. He further submits that if the petitioner is enlarged on bail, he may cause threat to the defacto complainant and other witnesses and thereby,



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delay the investigation proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.

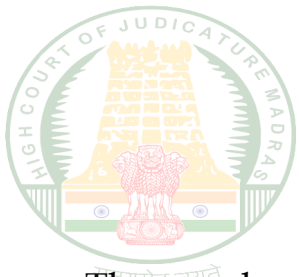
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6. This Court has considered the submissions made on either side and perused the First Information Report and also the other materials available on records.

7. In view of the offence allegedly committed by the petitioner that he threatened the defacto complainant when the latter demanded the money due, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case.

8. Considering the same, and also considering the period of incarceration suffered by the petitioner and the fact that the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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, Karaikudi;

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(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, Karaikudi, 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, Karaikudi;

(iv) The petitioner shall appear and sign before the respondent-police daily 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;

(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 the witnesses; and



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(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Karaikudi, 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].

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

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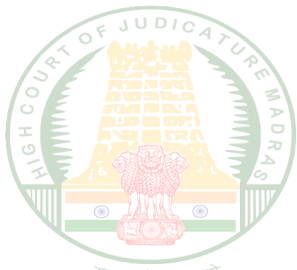
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

To

TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI



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2 DO THOROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI

3 THE INSPECTOR OF POLICE,
PALLATHUR
POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE OFFICER IN CHARGE,
SUB JAIL, THIRUPPATHUR

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

ORDER
IN
CRL OP(MD) No.6370 of 2025
Date : 07/04/2025

AS (07/04/2025) 7P / 6C

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