



CRL OP (MD) No.6445 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6445 of 2025

1. Pavinraj

2. Saranraj

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Alangudi Police Station,
Pudukottai District.
Crime No.92 of 2025

... Respondent/Complainant

For Petitioners: Mr.D.Rameshkumar,
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.92 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 04.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.1 and 2 were arrested and remanded to judicial custody on 26.03.2025 for the offences punishable under Section 25(1A) of the Arms Act, 1959, in Crime No.92 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 26.03.2025, at about 11:00 hours, when the respondent-police were on surveillance near Kummakulam Junction, they found that the petitioners illegally assembled and threatened the general public by showing an iron sword and an iron knife. On seeing the police officials, they attempted to escape. However, the police apprehended them. Hence, the case.

4. Mr.D.Rameshkumar, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence and that a false case has been foisted against the petitioners. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioners have been in incarceration since 26.03.2025. Therefore,



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he prays for granting bail to the petitioners.

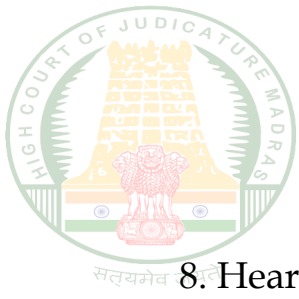
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case. He further submits that the first petitioner has three previous cases, out of which, one is similar in nature, while the second petitioner has no previous case. He also submits that if the petitioners are enlarged on bail, they may cause threat to the public and witnesses. Additionally, he submits that no one has sustained any injury in this case. However, he prays to dismiss this petition.

6. When this Court is not inclined to grant bail to the first petitioner/A1, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner/ A1 namely, Pavinraj. In that effect, he has made an endorsement in the case file and the same is extracted hereunder:

“withdraw the petition for A1.”

7. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner alone. This petition, as far as the second petitioner is concerned, still survives.



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

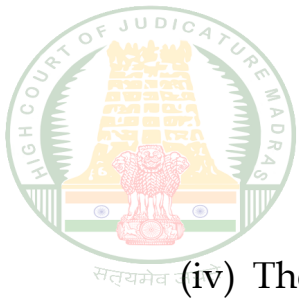
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9. Insofar as the second petitioner/A2 is concerned, considering the nature of offence allegedly committed by the second petitioner/A2 and taking note of the fact that no one has sustained injury in this case, this Court is of the opinion that further custody of the second petitioner/A2 is not necessary for the Investigation Agency in this case. Further, the second petitioner/A2 has permanent residence, and therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and taking note of the fact that the second petitioner/A2 has no previous case, and with a view to give an opportunity to the second petitioner/A2 to reform himself, this Court is inclined to grant an order of bail to the second petitioner alone, however, subject to the following conditions:

(i) The second 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 Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate, Alangudi, Pudukkottai 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, Alangudi, Pudukkottai District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The second petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Alangudi, Pudukkottai District,;



(iv) The second petitioner shall appear and sign before the learned Judicial Magistrate, Alangudi, Pudukkottai District, on all working days, at 10.00 a.m., until further orders;

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

(vi) The second 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 second 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 second petitioner shall not, directly or indirectly, cause any threat to the general public and witnesses; and

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Alangudi, Pudukkottai District, is entitled to pass appropriate orders against the second 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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10. Accordingly, this Criminal Original Petition is allowed in respect of the second petitioner alone subject to the conditions stated supra and is dismissed as withdrawn insofar as the first petitioner is concerned.

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.

VSG

To

- 1 THE JUDICIAL MAGISTRATE,
ALANGUDI, PUDUKKOTTAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.
- 3.THE OFFICER-IN-CHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4.THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.6445 of 2025

Date :08/04/2025

MK/SAR /09.04.2025 6P/6C

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