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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6649 of 2025

1.Suresh

2.Maharajan

... Petitioners/ A1 and A2

Vs

The State of Tamil Nadu
Rep by. The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No.158 of 2025.

... Respondent/ Complainant

For Petitioners : Mr.M.Perumal
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.158 of 2025 on the file of the Respondent-Police.



ORDER : The Court made the following order :-

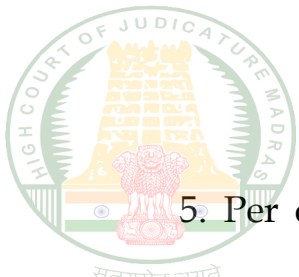
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This Criminal Original Petition has been filed by the petitioners on 07.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/A1 and A2 were arrested and remanded to judicial custody on 29.03.2025 for the offences punishable under Sections 296(b), 109(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.158 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 29.03.2025, at about 08:00 a.m., when the defacto complainant was standing near the Pillaiyarkovil, the petitioners demanded money from him for drinking liquor. When the same was refused by the defacto complainant, the petitioners abused him in filthy language, assaulted him with sickle and also criminally intimidated him. Hence, the complaint.

4. Mr.M.Perumal, 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 them. He further submits that the petitioners have been in judicial custody since 29.03.2025 and are ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioners.



5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the first petitioner has five previous cases, and the second petitioner has six previous cases and is a history-sheeter. He further submits that no injury was caused to the defacto complainant. However, he submits that if the petitioners are enlarged on bail, they may cause threat to the defacto complainant and witnesses, thereby causing delay in the investigation. Accordingly, he strongly opposes to grant bail to the petitioners.

6. This Court has considered the submissions made on either side. This Court has perused records including the First Information Report.

7. The defacto complainant voluntarily appeared before this Court and stated that he has not given any complaint against the petitioners. In view of the above, this Court is of the opinion that further custody of the petitioners is not necessary in this case for the Investigation Agency. Considering the same, and also considering the fact that the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding and the period of incarceration suffered by the petitioners, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of bail to the petitioners, however, subject to the following conditions:



(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli;

(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.III, Tirunelveli, 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 No.III, Tirunelveli,;

(iv) The petitioners shall appear and sign before the respondent-police, daily at 10.00 a.m., and 05.00 p.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 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;



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

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.III, Tirunelveli, 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, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
09/04/2025

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.The Judicial Magistrate No.III,
Tirunelveli.

2.Do Through
The Chief Judicial Magistrate,Tirunelveli

3.The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli.



4.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.

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

+1. CC to M.PERUMAL Advocate SR.No.4157

ORDER
IN
CRL OP(MD) No.6649 of 2025
Date :09/04/2025

MGJ(09.04.2025) 6P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023