



CRL OP (MD) No.6759 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Kumaravel
2. Kamal

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
Crime No.63 of 2025

... Respondent/Complainant

For Petitioners: Mr.A.Sivasubramanian,
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.63 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 08.04.2025



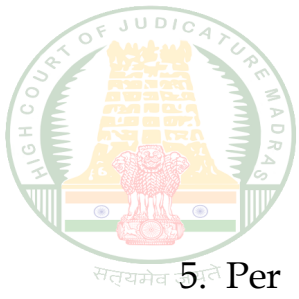
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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
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grant bail.

2. The petitioners / Accused Nos.1 and 2 were arrested and remanded to judicial custody on 18.03.2025 for the alleged offence punishable under Sections 126 (2), 296(b), 308(5) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 25 (1A) of Arms Act, 1959 in Crime No.63 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 18.03.2025 at about 04:00 p.m., while the defacto complainant was returning from his finance collection work, the second petitioner waylaid him and took away a sum of Rs.500/-. The first petitioner then threatened the defacto complainant by showing an aruval. Thereafter, the petitioners fled from the scene of occurrence. Hence, the complaint.

4. Mr.A.Sivasubramanian, 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 18.03.2025 and are ready to abide by any conditions that may be imposed by this Court. He therefore prays for granting bail to the petitioners.



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5. Per contra, Mr.K.Sanjai Ganesh, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners waylaid the defacto complainant and threatened him by showing a deadly weapon. He further submits that the first petitioner is a history-sheeter in H.S.No.21 of 2024 and that there are three previous cases pending against him. He further submits that the second petitioner is also a history-sheeter in H.S.No.23 of 2024 and that there are two previous cases pending against him. He further submits that the amount has been recovered from the petitioners. He further submits that if bail is granted to the petitioners, they may abscond and cause threat to the defacto complainant and the witnesses. 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 18.03.2025. 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,



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bail is granted to the petitioners subject to the following conditions:

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(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, Thiruvaiyaru;

(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, Thiruvaiyaru, shall obtain a copy of any one of identity proofs to ensure their identity;

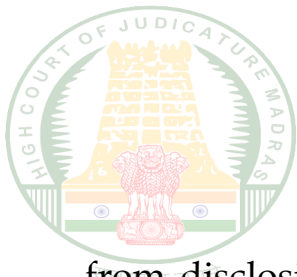
(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thiruvaiyaru;

(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



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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, Thiruvaiyaru, 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/-
15/04/2025

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15/04/2025

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

tsg
TO

1. The Judicial Magistrate, Tiruvaiyaru.
2. Do-Through The Chief Judicial Magistrate, Thanjore District at Kumbakonam.
3. The Officer-in-Charge, District Prison, Pudukottai.



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4. The Inspector of Police, Thirukattupalli Police Station, Thanjavur District.

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

ORDER

IN

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Date :15/04/2025

NBF/SAR/ (15/04/2025) 6P/6C

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