



CRL OP (MD) No.6868 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6868 of 2025

Arul @ Arun

... Petitioner/ Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Crime No.220 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian
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.220 of 2025 on the file of the Respondent – Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 09.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 24.03.2025 for the alleged offences punishable under Sections 126(2), 296(b), 109(1) and 351(3) of BNS, 2023 in Crime No.220 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 24.03.2025, at about 10:30 a.m., when the defacto complainant, along with his friend, was proceeding on his two-wheeler near Melakodu Four Corner Junction, the petitioner waylaid them and demanded money. When the defacto complainant refused, the petitioner abused him in filthy language and assaulted him with an aruval. Fortunately, the defacto complainant escaped the attack. On witnessing the incident, members of the public standing nearby and those in nearby shops ran away in fear. On seeing an auto coming from the opposite direction, the petitioner fled from the scene after issuing threats. Hence, the case.



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4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that a false case has been registered against him. He further submits that the petitioner has been in judicial custody since 24.03.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is a habitual offender and has 15 previous cases. He further submits that no one sustained any injury in the said occurrence, and that the investigation has been completed and the charge sheet is yet to be filed. However, he submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 24.03.2025 and has been in judicial custody since then. In view of the nature of offences allegedly committed by the petitioner

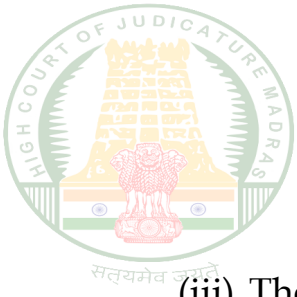


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and taking note of the fact that the defacto complainant has not sustained any injury in the said occurrence and that investigation has been completed, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. 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.25,000/- (Rupees Twenty Five Thousand only) 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, Thirunelveli;

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



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.III, Thirunelveli;

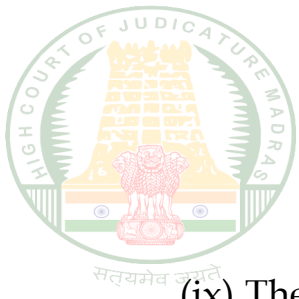
(iv) The petitioner shall appear and sign before the respondent - Police, daily at 10.00 a.m. and 5.00 p.m., until further orders;

(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 which 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 enter into the defacto complainant's house or workplace;



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(ix) 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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Thirunelveli 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].

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

sd/-
16/04/2025

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17/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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- TO
- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI DISTRICT.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6868 of 2025
Date :16/04/2025

SS/SAR- /17/04/2025/ 7P/6C

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