



CRL OP (MD) No.6988 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6988 of 2025

Kamatchi

... Petitioner/ Accused No.8

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Virudhunagar Bazaar Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.56 of 2025

... Respondent/Complainant

For Petitioner : Mr.G.Mariappan
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.56 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 petitioner on 15.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/Accused No.8 was arrested and remanded to judicial custody on 26.03.2025 for the alleged offences punishable under Sections 109, 115(2), 118(1), 191(2), 191(3), 296(b), 329(4) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.56 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to a monetary dispute, a wordy quarrel took place between the petitioner (A8) and the defacto complainant. Consequently, the defacto complainant lodged a complaint with the respondent-police. Upon enquiry, the complaint was closed with an advisory given to the petitioner (A8). Thereafter, the defacto complainant settled the dues owed to the petitioner (A8). However, harboring a grudge over the said incident, on 26.03.2025 at around 18:30 hours, at the instigation of the petitioner (A8), other accused persons entered into the tailoring shop of the defacto complainant and attacked him with an iron rod, causing injuries. Hence the case.

4. Mr.G.Mariappan, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He further submits that the petitioner has



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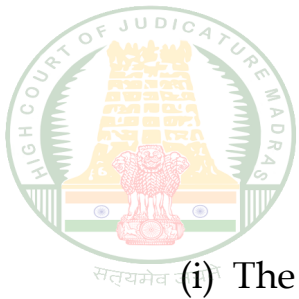
been in judicial custody since 26.03.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the injured was admitted in the hospital on 26.03.2025 and discharged on 01.04.2025. He further submits that the petitioner has three previous cases. He further submits that if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and 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 26.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner as well as the fact that the injured has been discharged from the hospital and taking note of the period of incarceration, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same 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:



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(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.I, Virudhunagar;

(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.I, Virudhunagar 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 No.I, Virudhunagar;

(iv) The petitioner shall stay at Tenkasi and shall appear and sign before the Inspector of Police, Tenkasi Police Station, Tenkasi daily at 05.00 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



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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 petitioner shall not enter into the defacto complainant's house or workplace;

(ix) The petitioner shall 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.I, Virudhunagar 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/-
28/04/2025

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

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To

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1.The Judicial Magistrate No.I,
Virudhunagar.

2. The Chief Judicial Magistrate,
Virudhunagar.

3.The Officer In-Charge,
District Jail, Theni.

4.The Inspector of Police,
Virudhunagar Bazaar Police Station,
Virudhunagar District.

5.The Inspector of Police, Tenkasi Police Station,
Tenkasi.

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

+2. CC to G.MARIAPPAN Advocate SR.No.4949(I) DT.28.04.2025

ORDER IN
CRL OP(MD) No.6988 of 2025
Date :28/04/2025

PP/SAR. /30.04.2025/6P/9C

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