

CRL OP (MD) No.6980 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6980 of 2025

Azharsamy S @ Othakai Alagar

... Petitioner/ A3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.82 of 2025)

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-
Police.

For Bail in Crime No.82 of 2025 on the file of the Respondent-



CRL OP (MD) No.6980 of 2025

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/A3 was arrested and remanded to judicial custody on 29.03.2025 for the offences punishable under Sections 126(2), 309(4), 311 and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.82 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 28.03.2025, at about 09:45 p.m., when the defacto complainant was returning home on his two-wheeler after completing work, near Kasim Textiles at Puliyakulam, the petitioner and other accused persons waylaid him, committed robbery of Rs.850/- by showing an Aruval, criminally intimidated him with dire consequences, and fled from the scene of occurrence. Hence, the complaint.

4. Mr.K.Dinesh, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He however submits that he is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in incarceration since 29.03.2025. Therefore, he prays for granting bail to the



CRL OP (MD) No.6980 of 2025

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 petitioner has six previous cases. He further submits that the defacto complainant has not sustained any injuries. He further submits that if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and witnesses and may also commit similar offences. Hence, he vehemently opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records.

7. The petitioner was arrested and has been in judicial custody on 29.03.2025. In view of the offences allegedly committed by the petitioner and taking note of the fact that no injury was caused to the defacto complainant, 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 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 an order of bail to the petitioner, however, subject to the following conditions:

(i) The 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 Ten



CRL OP (MD) No.6980 of 2025

Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Madurai;

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(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.II, Madurai, 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.II, Madurai;

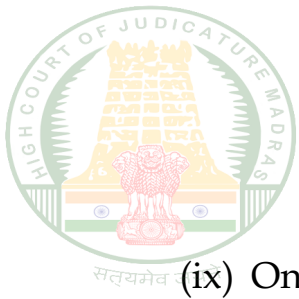
(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m., and 05.00 p.m., until further orders;

(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 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 also not directly or indirectly cause any threat to the defacto complainant and witnesses; and



CRL OP (MD) No.6980 of 2025

WEB COPY

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Madurai, 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/-
17/04/2025

/ TRUE COPY /

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

VSG
TO
1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.



CRL OP (MD) No.6980 of 2025

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.6980 of 2025
Date :17/04/2025

SA/SAR. /17.04.2025/6P/6C

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