



CRL OP (MD) No.7940 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Ayyanar

... Petitioner/ Accused No.4

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Srirangam Police Station,
Tiruchirappalli District.
Crime No.65 of 2025

... Respondent/ Complainant

For Petitioner : Mr.R.Ilayaraja
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.65 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 25.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner / Accused No.4 was arrested and remanded to judicial custody on 29.01.2025 for the offences punishable under Sections 191(2), 191(3), 296 (b), 126(2), 103(2) and 61(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.65 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to a previous dispute between one Dhinesh Babu and the defacto complainant's husband that arose during a Kabaddi Tournament, on 28.01.2025, at about 08:00 a.m., when the defacto complainant's husband was proceeding to the gym on his two-wheeler, the petitioner and other accused persons rammed their two-wheeler into him, pushed him down, and attacked him with deadly weapons. When the defacto complainant, her aunt, and the friends of the defacto complainant's husband tried to intervene, the accused persons threatened them by brandishing aruval and then fled the scene. The defacto complainant's husband succumbed to his injuries on the way to the hospital. Hence



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the case.

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4. Mr.R.Ilayaraja, 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 been in judicial custody since 29.01.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner caught hold of the deceased to enable the other accused persons to attack him with deadly weapons. He further submits that the charge sheet has been prepared and will be filed shortly before the concerned Court. He further submits that the petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 29.01.2025 and has been in judicial custody



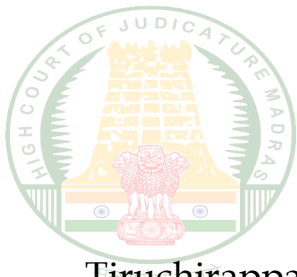
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since then. The specific overt act attributed to the petitioner is that he caught hold of the deceased at the time of the offence, enabling the other accused persons to attack the deceased with weapons. In view of the offences allegedly committed by the petitioner and the fact that the charge sheet has been prepared, 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 and taking note of the fact that the petitioner has no previous case and is a first offender, 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 District Munsif cum Judicial Magistrate, Srirangam, Tiruchirappalli;

(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 District Munsif cum Judicial Magistrate, Srirangam,



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Tiruchirappalli shall obtain a copy of any one of identity proofs to ensure their
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identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Srirangam, Tiruchirappalli;

(iv) The petitioner shall stay at Thanjavur after execution of suretyship and shall appear and sign before the Inspector of Police, Thanjavur Taluk Police Station, Thanjavur 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 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 and shall also not try to contact the defacto complainant either directly or through any electronic mode;

(ix) On breach of any of the aforementioned conditions, the learned District



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Munsif cum Judicial Magistrate, Srirangam, Tiruchirappalli 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/-
29/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM, TIRUCHIRAPPALLI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
- 3.THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, TIRUCHIRAPPALLI.



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4.THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

5.THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR.

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

+1. CC to R.ILAYARAJA Advocate SR.No.4968 (I) DT.29/04/2025

ORDER

IN

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Date :29/04/2025

PR/02.05 .2025 7P/8C

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