



CRL OP (MD) No.7725 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.7725 of 2025

1. Sailappan

2. Karthick

... Petitioners/ Accused Nos.2 &3

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.
(Crime No.131 of 2025)

... Respondent/Complainant

For Petitioners : Mr.M.Dhinakar
Advocate

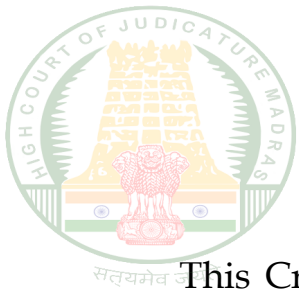
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.131 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



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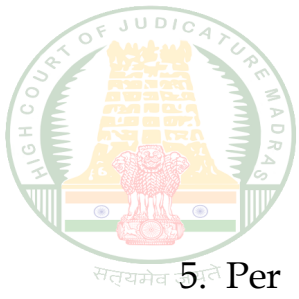
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This Criminal Original Petition has been filed by the petitioners on 24.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners / A2 and A3 were arrested and remanded to judicial custody on 14.04.2025 for the offences punishable under Sections 296(b), 115(2) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Women's Harassment Act, 2002 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.131 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 14.04.2025, when the defacto complainant entered into the street of the accused persons, the accused persons including the petitioners herein waylaid him and abused him in filthy language. They also attacked the defacto complainant and kicked him. Hence, the case.

4. Mr.M.Dhinakar, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons, that they 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 the petitioners have been in judicial custody since 14.04.2025 and are ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that this is a case in counter and that the injured was admitted in the hospital on 14.04.2025 and discharged on 17.04.2025. He further submits that the investigation of the case is pending, and therefore, at this stage, if bail is granted to the petitioners, they will abscond, thereby causing delay in the investigation and will also cause threat to the defacto complainant and witnesses. Therefore, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.

7. The petitioners were arrested on 14.04.2025 and have been in judicial custody since then. In view of the offences allegedly committed by the petitioners and the facts that this is a case in counter and that the injured was discharged from the hospital, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigation Agency in this case. Considering the same and also considering the period of incarceration and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) Each of the petitioners shall execute a bond for Rs.10,000/- (Rupees Ten



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Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees
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Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Thenkasi
District;

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

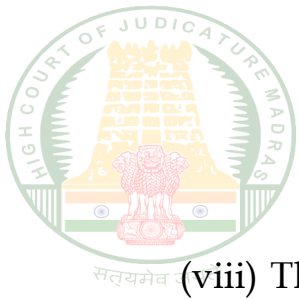
(iii) The petitioners shall furnish his residential address and mobile number to
the learned Judicial Magistrate, Thenkasi District;

(iv) The petitioners shall appear and sign before respondent - Police daily at
10.00 am 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
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 cause any threat to the defacto complainant and witnesses and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thenkasi District 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, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/04/2025

/ TRUE COPY /

29/04/2025

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

TRP
To

1. The Judicial Magistrate, Tenkasi District.
2. Do through The Chief Judicial Magistrate, Tirunelveli District.
3. The officer-in-charge, Sub Jail, Tenkasi Distict.
4. The Inspector of Police,
Alwarkurichi Police Station, Tirunelveli District.



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

ORDER
IN
CRL OP(MD) No.7725 of 2025
Date :28/04/2025

NBF/SAR/ (29/04/2025) 6P/6C

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