



CRL OP (MD) No.7790 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.7790 of 2025

Marichidambaram

... Petitioner/ Accused  
rank not known

Vs.

The State of Tamil Nadu  
Rep. by the Inspector of Police,  
Palayamkottai Police Station,  
Tirunelveli District.  
(Crime No.201 of 2025)

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar,  
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.201 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 24.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused rank not known was arrested and remanded to judicial custody on 22.04.2025 for the offences punishable under Sections 296(b), 115 (2), 118(1), 49, 351(3) and 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.201 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, due to previous enmity regarding the encroachment of Perathu Selliamman Temple, on 18.04.2025, when the defacto complainant was walking along the road, the petitioner herein and other accused persons abused him in filthy language, trampled him with their legs, and also threatened him with dire consequences. Hence, the case.

4. Mr.T.Leninkumar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 22.04.2025 and is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant bail to this 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 herein and other accused persons are said to have abused the defacto complainant in filthy language, trampled him with their legs, and also threatened him with dire consequences. He further submits that investigation of the case is pending, and therefore, at this stage, if the petitioner is released on bail, he may abscond, thereby causing delay in the investigation and cause threat to the defacto complainant and other witnesses. Hence, he prays for dismissal of this petition.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was arrested on 22.04.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and the fact that the defacto complainant has sustained only simple injury, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Tenkasi. The learned Judicial Magistrate, Tenkasi is directed to send the surety to the concerned Judicial Magistrate i.e., learned Judicial Magistrate, Palayamkottai, within a period of 7 days from the date of recording the satisfaction;

(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, Tenkasi, 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, Thenkasi;

(iv) The petitioner shall appear and sign before the respondent - police daily at 10.00 am 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;



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(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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Palayamkottai, 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.

TRP



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TO  
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1 THE JUDICIAL MAGISTRATE  
TENKASI.

2 DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
TENKASI DISTRICT.

3 THE JUDICIAL MAGISTRATE  
PALAYAMKOTTAI.

4 DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.

6 THE INSPECTOR OF POLICE  
PALAYAMKOTTAI POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate ( SR-4947[I] dated 28/04/2025 )

ORDER  
IN

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Date :28/04/2025

HPS/SAR / 29.04.2025/6P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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