



CRL OP (MD) No.7907 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7907 of 2025

Esakkimuthu @ Muthu

... Petitioner/ Accused No.3

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
Crime No.100 of 2025

... Respondent/Complainant

For Petitioner : Mr.P.P.Alwin Balan
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.100 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

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



CRL OP (MD) No.7907 of 2025

to grant bail.

WEB COPY

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 19.04.2025 for the alleged offences punishable under Sections 126(2), 296 (b), 115(2) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.100 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 19.04.2025, at about 09:30 p.m., the defacto complainant, along with his friend, was travelling in his four-wheeler. At the same time, the petitioner/A3, along with the other accused persons, was riding two two-wheelers in the middle of the road, in front of the complainant's car. As a result, the defacto complainant honked the horn. Upon hearing the horn, the accused persons stopped their two-wheelers, blocked the car, abused the defacto complainant in filthy language, and attacked him and his friend, causing injuries. Thereafter, the accused persons damaged the windshield of the defacto complainant's car by throwing stones, causing a loss estimated at Rs.5,000/-. Hence the case.

4. Mr.P.P.Alwin Balan, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has



CRL OP (MD) No.7907 of 2025

been in judicial custody since 19.04.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

WEB COPY

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the defacto complainant sustained injury on his face and was treated as an outpatient. He further submits that the petitioner has one previous case. He further submits that if the petitioner is enlarged on bail, he will abscond, thereby causing delay in the investigation and will also 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 19.04.2025 and has been in judicial custody since then. In this case, there are totally four accused persons. The learned Principal District and Sessions Judge, Tenkasi, has already granted pre-arrest bail to A1 and A2. The petitioner has been arrayed as A3. In view of the nature of the offences allegedly committed by the petitioner, and considering the fact that the defacto complainant was treated as an outpatient, 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 deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and also



CRL OP (MD) No.7907 of 2025

WEB COPY

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:

(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, Alangulam;

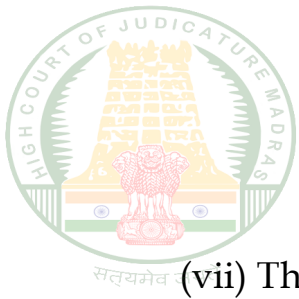
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Alangulam shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Alangulam;

(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., for a period of one month and thereafter as and when required for interrogation;

(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;



CRL OP (MD) No.7907 of 2025

WEB COPY

(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 cause any threat to the defacto complainant and witnesses and shall also not enter into the house and workplace of the defacto complainant; and

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

/ TRUE COPY /

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



CRL OP (MD) No.7907 of 2025

mbi
WEB COPY

To

1 THE JUDICIAL MAGISTRATE,
ALANGULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3.The Superintendent of Prison,
Central Prison, Palayamkottai.

4.The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.

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

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-5067[I] dated 29/04/2025)

ORDER

IN

CRL OP(MD) No.7907 of 2025

Date :29/04/2025

MK/SAR /02.05.2025 6P/7C

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