



CRL OP (MD) No.7943 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

CRL OP (MD) No.7943 of 2025

Rajesh

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
Crime No.49 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Murugapandi
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.49 of 2025 on the file of the respondent-police.



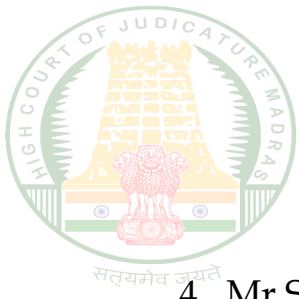
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ORDER : The Court made the following order :-

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 to grant bail.

2. The petitioner / Accused No.1 was arrested and remanded to judicial custody on 13.03.2025 for the offences punishable under Sections 296(b), 127(2), 109 (2) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.49 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that six months prior to the date of occurrence, the defacto complainant's son and the petitioner's wife developed an extra-marital relationship and eloped. Thereafter, following advice given by the defacto complainant, the petitioner's wife went to her parental home, and the defacto complainant's son has since been residing with him. Due to this enmity, the petitioner has been threatening the defacto complainant's son whenever he comes and goes. On 09.03.2025, at about 07:00 p.m., the petitioner and other accused persons chased the defacto complainant's son and attacked him with deadly weapons, causing injuries to his chest. Suddenly, the defacto complainant's son entered into his house and locked the door and thereby escaped from further attack. Hence the case.



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4. Mr.S.Murugapandi, 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 13.03.2025 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.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and other accused persons waylaid the defacto complainant's son, attacked him, and caused him grievous injuries. He further submits that the victim was admitted in the hospital on 09.03.2025 and was discharged on 27.03.2025. It is also submitted that if the petitioner is enlarged on bail, he may cause threat to the defacto complainant, the victim, and the 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 13.03.2025 and has been in judicial custody since then. It appears that the offence was committed by the petitioner due to sudden

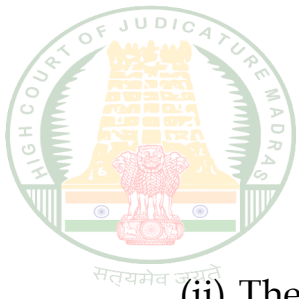


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provocation. To be noted, this view is recorded only for the purpose of deciding this bail petition and would not, in any way, cause any prejudice to the rights of the prosecution in establishing its case during the trial. In view of the nature of the offences allegedly committed by the petitioner, and considering the fact that the injured has been discharged from the hospital, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. 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 material portion of the investigation would have been completed, and with a view to give an opportunity to the petitioner to reform himself, 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 Judicial Magistrate No.I, Usilampatti, Madurai District;



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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.I, Usilampatti, Madurai District 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.I, Usilampatti, Madurai District;

(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 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



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

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(viii) The petitioner shall not enter into the defacto complainant / victim's house or workplace and shall also not try to contact the defacto complainant / victim either directly or through any electronic mode; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Usilampatti, Madurai District 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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02/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

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1 THE JUDICIAL MAGISTRATE NO.I
USILAMPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, USILAMPATTI.

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

+1 CC to M/s.S.MURUGAPANDI, Advocate (SR-5023[I] dated 29/04/2025)

ORDER
IN

CRL OP(MD) No.7943 of 2025
Date :29/04/2025

SS/SAR- /02/05/2025/ 7P/7C

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