



CRL OP (MD) No.8152 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 30/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.8152 of 2025

Rajasekaran
@ Raja Sekar

... Petitioner/Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Srivaikundam Police Station,
Thoothukudi.
(Crime No.131 of 2025)

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate

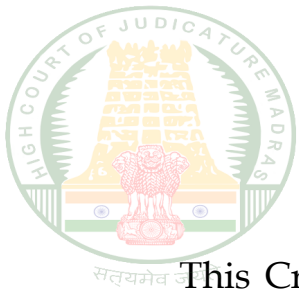
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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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This Criminal Original Petition has been filed by the petitioner on 28.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 22.03.2025 for the offences punishable under Sections 296(b), 308(2) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3 of 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 22.03.2025, at about 08:00 a.m., while the defacto complainant was approaching the alleged place of occurrence, the petitioner herein waylaid him, attempted to attack him with an aruval, and damaged his two-wheeler. Hence, the case.

4. Mr.K.Sivabalan, learned counsel 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, however, submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 22.03.2025. He therefore prays for grant of bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal



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Side) appearing for the respondent-police, submits that the petitioner herein waylaid the defacto complainant, extorted money from him by showing an aruval, and also damaged the left-side indicator of his motorcycle, worth about Rs. 500/-. He further submits that the petitioner is a history-sheeter and that there are twelve previous cases pending against the petitioner including the offences punishable under Sections 302 and 307 of Indian Penal Code, 1860 and also under the SC/ST Act. He further submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and the witnesses and thereby, cause law and order problem. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested and has been in judicial custody since 22.03.2025. In view of the offences allegedly committed by the petitioner and taking note of the fact that no one sustained any injury in this case, 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 hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a view to give one more 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



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subject to the following conditions:

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(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 I, Srivaikundam;

(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 I, Srivaikundam, 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 I, Srivaikundam;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate I, Srivaikundam, on all working days, at 10.30 a.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 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, 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 I, Srivaikundam, is entitled to pass appropriate orders against the



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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/-
30/04/2025

/ TRUE COPY /

02/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg
TO

- 1 THE JUDICIAL MAGISTRATE NO.I,SRIVAIKUNDAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAKMKOTTAI, TIRUNELVELI.
 - 4 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,THOOTHUKUDI
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.SIVABALAN, Advocate (SR-5169[I] dated 30/04/2025)



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ORDER

IN

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Date :30/04/2025

NBF/SAR/02.05.2025 6P/7C

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