



CRL OP(MD). No.8365 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/05/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.8365 of 2025

Siva @ Motta Siva

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District,
Cr.No.219/2025

... Respondent/ Complainant

For Petitioner : Mr.Muthuram.R,
Advocate
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.219 of 2025 on the file of the respondent-police.



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ORDER: The Court made the following order :-

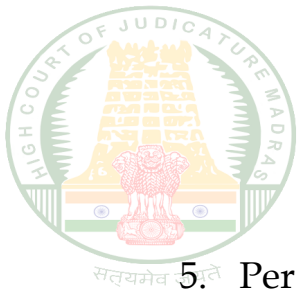
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This Criminal Original Petition has been filed by the petitioner on 05.05.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail.

2. The petitioner / Accused No.1 was arrested and remanded to judicial custody on 16.04.2025 for the offences punishable under Sections 296(b), 132, 109, 351(3) of BNS, 2023 in Crime No.219 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 16.04.2025, while the respondent-police were on patrol duty, the petitioner, along with the other accused persons, was found standing with an aruval and abusing the Police officials by using filthy language and also threatening them with dire consequences. Hence, the present case.

4. Mr.R.Muthuram, 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 16.04.2025. He further submits that no one has sustained injury. He therefore prays for grant of bail to the petitioner.



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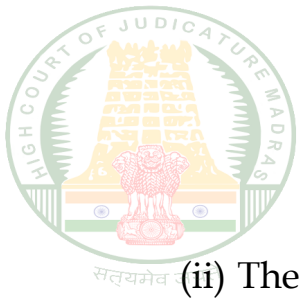
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5. Per contra, Mr.A.Thiruvadi Kumar, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are eight previous cases pending against the petitioner, out of which two cases are registered under 302 IPC offence. He further submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant 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 and remanded to judicial custody on 16.04.2025. It is seen that no one suffered injury in this crime. In view of the offences allegedly committed by the petitioner, and 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 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 V, Tirunelveli 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 V, Tirunelveli 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 V, Tirunelveli District;

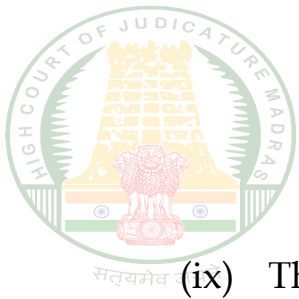
(iv) The petitioner shall stay at Madurai and appear and sign before the Inspector of Police, Tallakulam Police Station, Madurai City, daily at 10.00 a.m., and 05.00 p.m., until further orders;

(v) The petitioner should not enter into Tirunelveli District without getting prior permission from the learned Judicial Magistrate V, Tirunelveli;

(vi) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) 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;

(viii) 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;



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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate III, Tirunelveli, 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/-
08/05/2025

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/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 V, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent, Central Prison, Palayamkottai.



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4. The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District,
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Inspector of Police,
Tallakulam Police Station, Madurai City,

+1 CC to M/s.R.MUTHURAM, Advocate (SR-5376[I] dated 08/05/2025)

ORDER

IN

CRL OP(MD) No.8365 of 2025

Date :08/05/2025

MK/SAR /09.05.2025 6P/8C

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