



CRL OP(MD). No.8406 of 2025

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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.8406 of 2025

Gnana Balaji @ Balaji

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
Crime No. 285/2025

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu,
Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.285 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 05.05.2025 under

Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail.



CRL OP(MD). No.8406 of 2025

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2. The petitioner / Sole Accused was arrested and remanded to judicial custody on 19.04.2025 for the offences punishable under Sections 296(b), 109(1) and 351(3) of BNS, 2023 in Crime No.285 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.04.2025, the petitioner / sole accused demanded money from the defacto complainant. When the defacto complainant refused, the petitioner herein abused the defacto complainant by using filthy language and attacked him with aruval and thereby, attempted to commit the offence. However, the defacto complainant escaped from the attack. Hence, the case.

4. Mr.C.Ezhilarasu, 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 19.04.2025. He further submits that the defacto complainant has not sustained any injury. He therefore prays for grant of bail to the petitioner.

5. Per contra, Mr.A.Thiruvadi Kumar, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has nearly 16 previous cases. He further submits that if bail is granted to the petitioner, he may commit the similar offence again and thereby, cause law and order issue in the



CRL OP(MD). No.8406 of 2025

locality. He further submits that the investigation has not yet been completed.

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Accordingly, he prays to dismiss this Criminal Original Petition.

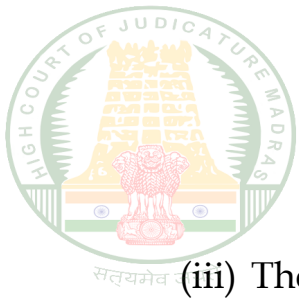
6. Heard on both sides and perused the records.

7. In this case, admittedly, the defacto complainant has not sustained any injury.

The petitioner was arrested and remanded to judicial custody on 19.04.2025. 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 a sum of 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, Nanguneri;

(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, Nanguneri, shall obtain a copy of any one of identity proofs to ensure their identity;



CRL OP(MD). No.8406 of 2025

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

(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 BNSS, 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, Nanguneri, 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].



CRL OP(MD). No.8406 of 2025

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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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,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE,
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER IN
CRL OP(MD) No.8406 of 2025
Date :08/05/2025

SA/SAR. /09.05.2025/5P/6C

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