

CRL OP(MD). No.9418 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2025

PRESENT

THE HONOURABLE MS. JUSTICE R.N.MANJULA

CRL OP(MD). No.9418 of 2025

Nishanth @ Sadai Surya

...Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep by, the Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
Cr.No.370 of 2024.

... Respondent/Complainant

For Petitioner : Mr.P.Samuel Gunasingh

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.370 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 06.12.2024 for the offences under Section 126(2), 296(b), 109(1), 103(1) and 351(3) of BNS, 2023 @ u/s 49, 61(2), 249(a), 3(5), 126(2), 296(b), 109(1), 103(1) and 351(3) of



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BNS, 2023 in Crime No.370 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that due to previous enmity, on 03.12.2024, at about 9.15 a.m., the petitioner and other accused assaulted the defacto complainant's brother with aruval, causing grievous injuries. While the defacto complainant and his another brother were trying to intervene, the accused persons also attacked them. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 06.12.2024. He would further submit that this is the second bail application and A1 and A6 to A8 were released on bail. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that totally 10 accused in this case and the petitioner and other accused persons assaulted the defacto complainant's brother. He would further submit that if bail is granted to the petitioner, he may cause threat to the dafacto complainant and witnesses. Hence, he opposed to grant bail to the petitioner. However, he fairly submits that the investigation is completed and charge sheet was filed and also A1 and A6 to A8 were released on bail.



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5. Taking into consideration the facts and circumstances of the case and also the facts that the investigation is completed and A1 and A6 to A8 were granted bail and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate-III, Thoothukudi, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police once in a week on Sunday at 10.30 a.m. until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS, 2023.

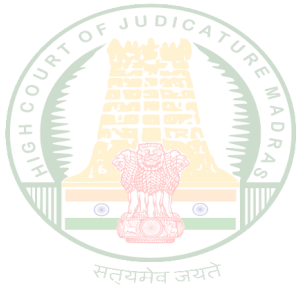
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06/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1. The Judicial Magistrate-III, Thoothukudi.
2. Do-Through The Chief Judicial Magistrate, Thoothukudi District.
3. The Superintendent, Central Jail, Palayamkottai.
4. The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.9418 of 2025
Date :06/06/2025

PP/06.06.2025 5P/6C

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