



CRL OP(MD).No.9523 of 2025

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

Reserved on : 24.06.2025

Pronounced on:18.07.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9523 of 2025

and

CRL MP(MD).No.7485 of 2025

Rajasekaran

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime No.17 of 2025)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.17 of 2025
on the file of the respondent police.

For Petitioner : Mr.I.Kannan,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Criminal Side)



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For Intervener : Mr.K.Vasantha Kumar,
Advocate
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ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 49, 126(2), 137(2), 296(b), 115(2), 351(3), and 109(1) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.17 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that certain individuals in the locality were involved in illegal sand mining. The defacto complainant had lodged a complaint with the respondent police and the revenue authorities against the petitioner and other accused persons regarding these illegal activities. Allegedly, in retaliation, on 20.02.2025 at about 10:30 AM, the petitioner, along with the other accused persons, abducted the defacto complainant in a car bearing Registration No.TN-63-BU-0709, assaulted him, attempted to commit murder, and threatened him with dire consequences. Hence, the present case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the



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petitioner and there are no previous cases against the petitioner. He would further submit that A3 was already granted bail by the Court below. Hence, he seeks anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) would submit that there are totally five accused persons in this case and the petitioner has been arrayed as A2. He would further submit that the petitioner, along with the other accused persons, abducted the defacto complainant in a car bearing Registration No.TN-63-BU-0709, physically assaulted him, made an attempt to commit murder, and threatened him with dire consequences. He would further submit that the injured has been discharged from the hospital. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioner.

5. The learned counsel for the defacto complainant would submit that the Special Leave Petition (SLP) before the Hon'ble Court was dismissed as "not pressed" after arguments were advanced. The petitioner has also suppressed the details and the order passed in the said SLP before the Apex Court and has filed the present Criminal Original Petition and approached this Court without clean hands.



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He would further submit that the petitioner had also filed anticipatory bail application before this Court in CrI.O.P.(MD) No. 3674 of 2025, and the same was dismissed on 03.03.2025.

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6. This Court has heard the learned counsel on both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner, the fact that the co-accused has already been granted bail by the Court below, and also taking note of the fact that the injured has already been discharged from the hospital, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Ilaiyangudi, Sivagangai District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with



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two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned District Munsif cum Judicial Magistrate, Ilaiyangudi, Sivagangai District and on further conditions that:

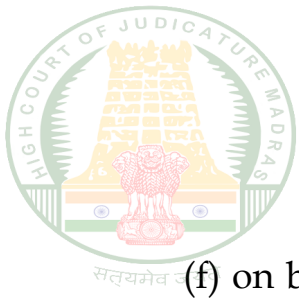
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b) the petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Ilaiyangudi, Sivagangai District. In the event of any change in his residential address, the petitioner shall report the same to the learned District Munsif cum Judicial Magistrate, Ilaiyangudi, Sivagangai District.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders. Further, the petitioner shall appear before the Investigation Officer as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioner shall not abscond either during investigation or trial.



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

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

9. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, the connected miscellaneous petition is closed.

sd/-
18/07/2025

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/08/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal
TO

1.The District Munsif cum Judicial Magistrate,
Ilaiyangudi,
Sivagangai District.

<https://www.mhc.tn.gov.in/judis>



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2. Do through the Chief Judicial Magistrate,
Sivagangai.

3. The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
SIVAGANGAI DISTRICT.

+1 CC to M/s.I.KANNAN, Advocate (SR-7768[I] dated 18/07/2025)

ORDER
IN

CRL OP(MD) No.9523 of 2025
Date :18/07/2025

PS/SAR.06.08.2025 7P/6C

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