



CRL OP(MD). No.9597 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

(Criminal Jurisdiction)

Date : 19/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9597 of 2025

1. Arunya,
D/o. Nanthakumar,
Main Road,T.T. Kulam,
Uthamapalayam Taluk,
Cumbum,Theni District.

2. Sasi Kumar,
S/o. Raja,
Main Road,Mootanuthu,
Andipatti Taluk, Theni District.

... Petitioners/ Accused

Vs.

State of Tamilnadu Rep by In,
Spector of Police, Theni,
DCB, Theni District.
In Crime No. 6 of 2025..

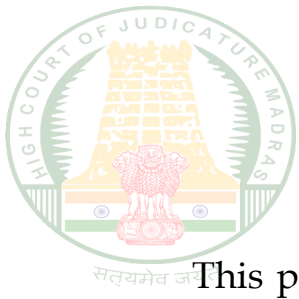
... Respondent/ Complainant

For Petitioner : Mr.S.Srikanth,
Advocate.

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

PRAYER :- To modify the condition (i) imposed in Cr.M.P. No. 1415 of 2025 on the
file of the Learned Judicial Magistrate, Theni dated 06.05.2025.

ORDER : The Court made the following order :-



CRL OP(MD). No.9597 of 2025

WEB COPY

This petition has been filed to modify the condition condition (i) imposed in Cr.M.P. No. 1415 of 2025 on the file of the learned Judicial Magistrate, Theni, dated 06.05.2025.

2. The learned Counsel for the petitioners would submit that the petitioners are accused Nos.1 and 2 in Crime No.6 of 2025 registered by the respondent police for the offence punishable under Sections 417, 420, 468, 471 and 120B IPC. The petitioner was arrested and remanded to judicial custody on 04.03.2025. On completion of 60 days, the petitioners had applied for statutory bail under Section 187(3) BNSS., the trial Court finding that the charge sheet had not been filed, granted bail to the petitioner on 06.05.2025, however, imposing onerous conditions directing each of the petitioners to execute a security bond for a sum of Rs.10,000/- each with two sureties and also to deposit a sum of Rs.4,00,000/- each to the credit of crime number.

3. The learned Counsel for the petitioners would further submit that on the lapse of 60 days, the accused get an 'indefeasible right' to default bail and the accused become entitled to default bail once the accused applies for default bail and furnish bail. He would also submit that no other condition of deposit of amount can be imposed on the petitioner. He would also submit that imposing such a condition would frustrate the very object and purpose of default bail under Section 187(3)



WEB COPY

4. The learned Counsel for the petitioners would submit that the the condition imposed by the learned Judicial Magistrate while granting statutory bail to the petitioners by directing them to deposit a sum of Rs.4,00,000/- each to the credit of crime number under Section 187(3) BNSS, is contrary to the scheme of Section 187 of BNSS. He would further submit that the Honourable Apex Court in catena of decisions regarding the scheme of Code of Criminal Procedure delineates that provisions of Section 167 Cr.P.C., giving due regard to the personal liberty of a person. Without submission of charge sheet within 60 days or 90 days, as may be applicable, an accused cannot be detained further in judicial custody and the accused need not make out any grounds for grant of default bail but only needs to state that 60/90 days, as the case may be, have expired, and the charge sheet not filed and that he is entitled to bail, if he is willing to furnish surety and thereby, he would seek to set aside the condition and pray for bail.

5. In support of his contention, the learned Counsel for the petitioners would rely on the judgment of Honourable Apex Court in the case of Saravanan V. State reported in (2021) 1 SCC (Cri.)(141).

6. The learned Government Advocate (Crl.side) would submit that in this case, the petitioners were arrested on 04.03.2025 and the statutory bail application was



CRL OP(MD). No.9597 of 2025

WEB COPY

filed and they were directed to be released on 06.05.2025 by imposing the condition to deposit a sum of Rs.4,00,000/- each to the credit of crime number.

7. Heard the learned Counsel appearing on either side and perused the materials available on record.

8. No doubt, it is a case, where the petitioners have been arrested for the offence punishable under Section 420 IPC. The maximum period, in which a person can be kept in detention, is 60 days. The petitioners were arrested on 04.03.2025 and they filed a bail application, under Section 187(3) BNSS. However, in this case, the learned Magistrate while granting bail had imposed a condition directing the petitioners to deposit a sum of Rs.4,00,000/- each to the credit of crime number, which in the opinion of this Court is onerous.

9. The imposition of such a condition on the grant of statutory bail is impermissible and onerous. Following the judgment of this Court reported in 2023 (1) T.N.L.R. 263 (Mad.) (MB) [Arun Kumar v. The State and another], this Court is inclined to allow the present petition.

10. Accordingly, this Criminal Original Petition is allowed and the condition No.(i) imposed by the learned Judicial Magistrate, Theni, in Cr.M.P.No.1415 of 2025, dated 06.05.2025, is set aside. The other conditions imposed by the learned Judicial Magistrate, Theni, in Cr.M.P.No.1415 of 2025, dated 06.05.2025, shall remain



CRL OP(MD). No.9597 of 2025

unaltered. The petitioners shall be released on bail on compliance of other
WEB COPY
conditions imposed by the learned Judicial Magistrate, Theni.

sd/-
19/06/2025

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, THENI DCB, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9597 of 2025
Date :19/06/2025

NBF/23.06.2025 5P/5C

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