



CRL OP(MD). No.10427 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10427 of 2025
and CrI.MP(MD).No.8738 of 2025

Thenmalai Thenkumaran

... Petitioner/ Accused

Vs

The State of Tamilnadu
Rep.By,The Inspector of Police,
Tharuvaikulam Police Station,
Tharuvaikulam,
Thoothukudi District.
(Crime No.96 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.A.D.Ganeshamoorthi,
Advocate.

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

For Intervenor : Dr.R.Alagumani

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.96 of 2025 on the file of the respondent Police.



ORDER: The Court made the following order :-

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The petitioner / Accused, who was arrested and remanded to judicial custody on 02.06.2025 for the offences punishable under Sections 296(b), 118(1), 351(3) and 109(1) of BNS, in Crime No.96 of 2025 on the file of the respondent police, seeks bail,

2. The case of the prosecution is that on 01.06.2025 at 18.00 hours, the petitioner had abused the defacto complainant who is the brother-in-law of the petitioner in filthy language and brutally attacked him with Aruval and caused injuries. Hence, the complaint.

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 due to family dispute, a false case has been foisted against this petitioner. He would further submit that the intervenor no way connected with this case and the intervenor is a 3rd party, he cannot challenge this application. Further, The learned counsel also relied upon a Judgment of this Court reported in the case of P.Muthupandi vs State Rep by the Inspector of Police, Ramnad Q Branch, Ramanathapuram and another Judgment in Praveen Malhotra vs State. Further, the learned counsel for the petitioner would submit that the



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intervenor is neither the complainant nor an aggrieved party, but she is only a third party to the instant case. He would further submit that the petitioner is in judicial custody from 02.06.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are 11 previous cases pending against the petitioner in various police station and he is a history sheeter. He would further submit that the investigation is almost completed and the injured person has been discharged from the hospital. However, he objected to grant bail to the petitioner.

5. The learned counsel for the Intervenor submitted that the petitioner is a habitual offence and there are 11 previous cases pending against the petitioner. He further submitted that in an earlier occasion, the intervenor was attacked by the petitioner and a separate case was registered against this petitioner. Further, if the petitioner is released on bail, he may threatened the intervenor. Hence, he objected for grant of bail to the petitioner.

6. Taking into consideration of the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital and the



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investigation has been almost completed and taking into consideration of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

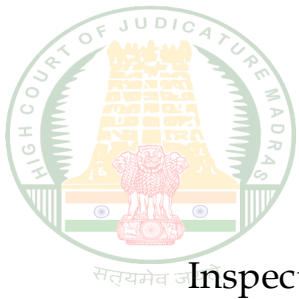
7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Ottapidaram, Thoothukudi, and on further conditions that :-

[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.

[b] The petitioner shall furnish his residential address and mobile number to the Judicial Magistrate, Ottapidaram, Thoothukudi.

(c) If the petitioner changes his residential address, he shall report the same to the Judicial Magistrate, Ottapidaram, Thoothukudi.

[d] the petitioner shall stay at Nagercoil, and report before the



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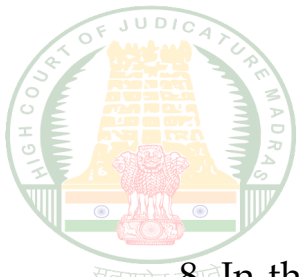
Inspector of Police, Vadacheri Police Station, at 10.00 a.m., and 05.00 p.m., until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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



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8. In the result, this Criminal Original Petition is allowed and the connected
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Crl.MP(MD).No.8738 of 2025 is dismissed.

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14/07/2025

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15/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

msrm

To

1. The Judicial Magistrate,
Ottapidaram, Thoothukudi.
2. Do Through chief Judicial Magistrate, Thoothukudi.
3. The Officer Incharge, District Prison,
Peroorani, Thoothukudi District.
4. The Inspector of Police,
Tharuvaikulam Police Station,
Tharuvaikulam,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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



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The Inspector of Police,
Vadacheri Police Station, Nagercoil.

ORDER
IN
CRL OP(MD). No.10427 of 2025
and CrI.MP(MD).No.8738 of 2025
Date :14/07/2025

PR/15.07 .2025 7P/7C

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