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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.11085 of 2025

Govindhan,
S/o.Sivan,

..Petitioner/ Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Kulasekarapatnam Police Station,
Thoothukudi District.
(Crime No.255 of 2024)

.. Respondent/ Complainant

For Petitioner : Mr.R.Balakrishnan
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.255 of 2024 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 01.11.2024 for the offences punishable under Sections 329, 296(b), 118(1), 351(3)



altered under Sections 118(1), 296(b), 109(1), 351(3) of BNS, 2023 in Crime No.255 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 31.10.2024 at about 09.30a.m. One Shakthikumar asked address of one Vijay with the petitioner and at that time the petitioner was in inebriated condition and attacked him. In this regard, on 01.11.2024, at about 10.00a.m the petitioner with some other person approached the defacto-complainant and they had a compromise talk and at that time, the petitioner abused the defacto-complainant in filthy language and he refused to render his apology to the defacto-complainant. Suddenly, the petitioner attacked the defacto-complainant with sickle and he sustained injury. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. In this case, investigation was completed and the case is taken on file in S.C.No.34 of 2025 on the file of the I Additional District and Sessions Judge, Thoothukudi. He would further submit that the petitioner is in custody from 01.11.2024, more than eight months. Hence, he seeks bail.



4. The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioner abused the defacto-complainant in filthy language and suddenly he attacked the defacto-complainant with sickle. The defacto-complainant's party took the said incident as vengeance and in order to take revenge the petitioner, the petitioner's sister was murdered by the brother of the defacto-complainant. If the petitioner is released on bail, there is more chance for retaliation murder. In this case, injured person was discharged from hospital. In this case, investigation was completed and the case is taken on file in PRC.No.9 of 2025 on the file of the Judicial Magistrate, Tiruchendur and subsequently the case is made over in S.C.No.34 of 2025 on the file of the I Additional District and Sessions Judge, Thoothukudi. There are seven previous cases pending against the petitioner. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, injured persons discharged from hospital, the case is taken on file in S.C.No.34 of 2025 on the file of the I Additional District and Sessions Judge, Thoothukudi, the petitioner/accused is in judicial custody from 01.11.2024, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:



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6. 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 learned I Additional District and Sessions Judge, 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 contact number to the learned I Additional District and Sessions Judge, Thoothukudi. If the petitioner changes his residential address, he shall report the same to the learned I Additional District and Sessions Judge, Thoothukudi;

[c] the petitioner shall appear and sign before the I Additional District and Sessions Judge, Thoothukudi on all working days at 10.00 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 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 absconds, a fresh FIR can be registered under Section 269 BNS.

sd/-
08/07/2025

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

TO

1. The I Additional District and Sessions Judge,
Thoothukudi.

2. The Officer in Charge, District Jail,
Thoothukudi

3. The Inspector of Police,
Kulasekarapatnam Police Station,
Thoothukudi District.

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

+1CC to M/s.R.Balakrishnan, Advocate (SR.No.7296 dated 09/07/2025)

ORDER

IN

CRL OP(MD) No.11085 of 2025

Date :08/07/2025

MGJ (08.07.2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023