

CRL OP(MD). No.11099 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

(Criminal Jurisdiction)

Date : 01.07.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.11099 of 2025

Mathan Kumar @ Appulu,
S/o.Madasamy

...Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
North Police Station,
Thoothukudi District.
(Crime No.288 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.J.Joseph Zinosan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.288 of 2025 on the file of the respondent police.



CRL OP(MD). No.11099 of 2025

WEB COPY

ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 20.04.2025 for the offences punishable under Sections 296(b), 109, 103(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.288 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other accused persons, rode a bike in a rash and negligent manner. When the defacto complainant and another victim questioned their behaviour, the petitioner and the other accused persons allegedly assaulted them. As a result of the assault, one of the victims succumbed to injuries, while others sustained injuries. 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 offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that A2 to A4 have been granted bail by this Court. He would further submit that the petitioner is in custody from 17.03.2025.



CRL OP(MD). No.11099 of 2025

Hence, he seeks bail.

WEB COPY

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 A1. He would further submit that the petitioner, along with the other accused persons, had consumed alcohol, rode the bike in a rash and negligent manner, and attacked the defacto complainant and others. He would further submit that there are five previous cases against the petitioner. Therefore, he opposes the grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also taking note that most of the investigation might have been completed, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:



CRL OP(MD). No.11099 of 2025

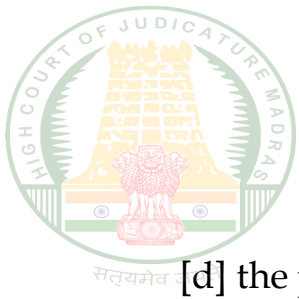
WEB COPY

7. 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 Court No.III, Thoothukudi, Thoothukudi District, 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 learned Judicial Magistrate Court No.III, Thoothukudi, Thoothukudi District. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate Court No.III, Thoothukudi, Thoothukudi District.

[c] the petitioner shall stay at Salem District and sign before the Inspector of Police, Hasthampatti Police Station, Salem District daily twice at 10.00 a.m. and 05.00 p.m. until further orders.



CRL OP(MD). No.11099 of 2025

WEB COPY

[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 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
01/07/2025

/ TRUE COPY /

01/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.11099 of 2025

WEB COPY
PAL
TO

1. THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER-IN-CHARGE,
DISTRICT PRISON,
PERURANI.
4. THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE INSPECTOR OF POLICE,
HASTHAMPATTI POLICE STATION,
SALEM DISTRICT .
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11099 of 2025
Date :01/07/2025

HPS/01.07.2025 /6P/7C

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