



Crl.O.P.(MD)No.14976 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14976 of 2025

and

Crl.M.P.(MD).No.12142 of 2025

M.Neduncheliyan

... Petitioner

Vs.

1.The II Class Executive Magistrate-Cum-Tahsildar,
Tiruvadanai,
Ramanathapuram District.

2.The State rep. by,
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(LIR No.24/2025)

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertains to M.C.No.21 of 2025 dated 13.08.2025 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.M.Iniyavan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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The petitioner has sought for quashing of the impugned notice in M.C.No.21 of 2025 issued under Section 129 of BNSS, 2023.

2. By the impugned notice dated 13.08.2025, the first respondent, citing cases against the petitioner under Section 4(1)(a) of Tamil Nadu Prohibition Act, had called upon him to show cause as to why he should not execute a bond for Rs.50,000/- for maintaining good behaviour.

3. The learned counsel for the petitioner would submit that the impugned notice is beyond the jurisdiction of Section 129 of BNSS and that the first respondent ought to have mentioned the number of sureties required.

4. Heard the learned Additional Public Prosecutor appearing for the respondents.

5. This Court is of the view that the impugned notice cannot be said to be without jurisdiction. The first respondent has power under Section 129(g) of BNSS to ask any person, who is desperate and dangerous as to render his being



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at large without security hazardous to the community, to execute a bond to seek

security for his good behaviour. Section 129(g) of BNSS reads as follows:

"129. Security for good behaviour from habitual offenders.

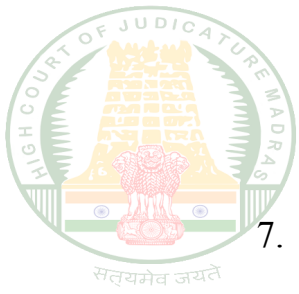
When an Executive Magistrate receives information that there is within his local jurisdiction a person who-

...

g) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bail bond, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit."

6. In the impugned notice, it is stated that the petitioner has several cases registered against him under Section 4(1)(a) of the Tamil Nadu Prohibition Act. The offences against the petitioner would certainly render him as a person hazardous to the community. The second point raised by the petitioner is that the number of sureties ought to have been mentioned in the notice under Section 129 of BNSS. It is also the petitioner's case that no case is now pending against the petitioner.



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7. The learned Additional Public Prosecutor per contra submitted that there are 10 cases pending against the petitioner.

8. The impugned notice cannot be quashed for the grounds stated by the petitioner since the first respondent is empowered to issue notice under Section 129 of BNSS, as the act of the petitioner would fall under Section 129(g). Further, in the show cause notice, there is no requirement to specify the number of sureties. Only when a final order is passed under Section 130 of BNSS, the number of sureties has to be mentioned. As regards the submission of the learned counsel for the petitioner that there are no cases pending against the petitioner, it is open to the petitioner to respond to the show cause notice and satisfy the authorities that there are no cases pending against him.

9. Accordingly, this Criminal Original Petition is disposed of with liberty to the petitioner to respond to the impugned notice. Consequently, connected miscellaneous petition is closed.

11.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

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- To
- 1.The II Class Executive Magistrate Cum Tahsildar,
Tiruvadanai,
Ramanathapuram District.
 - 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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SUNDER MOHAN, J.

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