

CRL OP(MD)No.15081 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.09.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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1. Arockiasamy,
S/o.Arul
2. Jeyapaul,
S/o.Arul

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No.241 of 2024)

... Respondent/Complainant

For Petitioners : Mr.S.Sivakumar

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.241 of 2024 on the file of the respondent police.

ORDER :- The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 24.12.2024 for the offences punishable under Sections 296(b), 126(2), 103(1) of BNS,



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2023 in Crime No. 241 of 2024 on the file of the respondent police, seek bail.

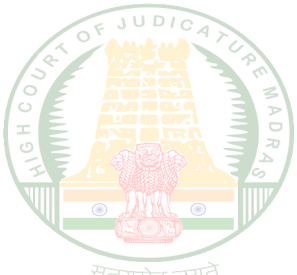
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2. The case of the prosecution is that the defacto-complainant's husband and the petitioners are brothers and there is a civil dispute between them in respect of the ancestors property for partitioning and the petitioners threatening her husband to withdraw the suit and due to which her husband cut the hand of the first petitioner and the petitioners attacked her husband and he sustained sever injury and died. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the defacto-complainant lodged a false complaint against these petitioners. The petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 24.12.2024. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was property dispute between the defacto-complainant and the petitioners, due to which they attacked the defacto-complainant's husband and he sustained severe injury and died. In this case, investigation completed and the charge sheet has been filed in S.C.No.277 of 2025 on the file of the learned Additional District and Sessions Judge, Tenkasi. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also



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considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi 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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Tenkasi.

[c] If the petitioners changes their residential address, they shall report the same to the learned Judicial Magistrate, Tenkasi.

[d] the petitioners shall appear before the concerned Trial Court on hearing dates without fail and they have to co-operate for the trial.

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

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



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[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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.

sd/-
12/09/2025

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12/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 The Judicial Magistrate, Tenkasi.
- 2 Do Through the Chief Judicial Magistrate, Tenkasi District.
- 3 The Superintendent, Central Prison, Palayamkottai.
- 4 The Inspector of Police, Alwarkurichi Police Station, Tenkasi District.
- 5 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :12/09/2025

NBF/12/09/2025/ 5P/6C

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