



CRL OP(MD) No.22267 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22267 of 2024

D.Petchimuthu @ Payasam

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
(Crime No.274 of 2024)

... Respondent / Complainant

For Petitioner : Mr.M.Chandrasekaran,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.274 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial



CRL OP(MD) No.22267 of 2024

custody on 17.11.2024 for the alleged offences under Sections 296(b), 132, 351(3) of BNS and Section 3(1) of TNPPDL Act, in Crime No.274 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons had previous enmity with the defacto complainant and on the date of occurrence, he was abused by calling him with scandalous name and that apart, the deceased was also attacked with aruval and the defacto complainant was threatened with dire consequences. For this case, an FIR came to be registered in Crime No.224 of 2023. In that case, there were totally 10 accused persons, in which, the petitioner has been arrayed as A5. The petitioner filed a bail application before the learned Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi in CrI.M.P.No.1214 of 2024. The learned Special Court by an order dated 24.10.2024, enlarged the petitioner on bail with the specific condition that the petitioner must stay at Chennai and appear before the Thirumangalam Police Station daily twice at 10.00 a.m. and 5.00 p.m. until further orders.

3. It is alleged that the petitioner, after coming out from the jail, did not comply with the conditions imposed by the learned Special Court and on 17.11.2024, he is said to have come to his village along with the co-accused and when the police questioned the same, he abused them in filthy language and intimidated them and



CRL OP(MD) No.22267 of 2024

also damaged the two wheeler of the police. The petitioner has been arrayed as A1 in this case.

WEB COPY

4. The petitioner filed the earlier bail application in CrI.OP(MD).No.21015 of 2024 and this Court by an order dated 04.12.2024 dismissed the application as withdrawn.

5. The learned Additional Public Prosecutor (Criminal Side) submitted that the petitioner has 17 previous cases against him, out of which, 8 cases involved offence under Section 302 of IPC. The learned Additional Public Prosecutor further submitted the list of cases which were registered and are pending against the petitioner. He also submitted that the petitioner did not comply with the conditions imposed by the learned Special Court and therefore, an application has been filed to cancel the bail granted in favour of the petitioner and the same is posted for hearing on 06.01.2025. The learned Additional Public Prosecutor therefore vehemently opposed the grant of bail to the petitioner.

6. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner. The learned counsel vehemently denied the fact that there are 17 previous cases against the petitioner. It was further submitted that there was a potential life threat for the petitioner and the petitioner had only come to attend the marriage of his close relative which was put against the petitioner and the



CRL OP(MD) No.22267 of 2024

respondent police have created a story as if the petitioner and the co-accused threatened the police. The learned counsel submitted that the petitioner has suffered incarceration in this case from 17.11.2024.

7. Heard the learned counsel on either side and perused the material records of the case.

8. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 17.11.2024 and taking note of the previous cases against the petitioner and also considering the fact that the petitioner failed to comply with the condition imposed by the learned Special Judge while he was enlarged on bail in Crime No.224 of 2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivaikundam, 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 report before the Deputy Superintendent of Police,



CRL OP(MD) No.22267 of 2024

Murappanadu Police Station, Thoothukudi District daily at 10.30 a.m. until further orders.

WEB COPY

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

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

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
02/01/2025

/ TRUE COPY /

02 / 01 /2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO
1 THE JUDICIAL MAGISTRATE
NO II SRIVAIKUNDAM.

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



CRL OP(MD) No.22267 of 2024

2. DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

4. THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE DEPUTY SUPERINTENDENT OF POLICE,
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT

+1 CC to M/s.M.CHANDRASEKARAN, Advocate (SR-6[I] dated 02/01/2025)

ORDER
IN
CRL OP(MD) No.22267 of 2024
Date :02/01/2025

PSP/ /SAR /02.01.2025/ 6P/ 8C

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