



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15374 of 2026

Logasuriya
S/o. Mani,
No.2/1, Panchankadu,
Thenkalpalayam,
Rasipuram,
Namakkal 636 301.

..Petitioner(s)

Vs

The State Rep by The Inspector of Police
Rasipuram Police Station,
Crime No.156 of 2026
Namakkal District.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to set aside the condition made in Para No.(i) That the Petitioner/accused shall deposit a sum of Rs.80,000(Rupees Eighty Thousand Only) as refundable deposit towards damages, to the credit of the Cr.No.156 of 2026 of Rasipuram P.S. before the Ld. Judicial Magistrate, Rasipuram vide order dated 04-06-2026 made in Crl M.P. No. 305 of 2026 before the Ld. Principal Sessions Judge, Namakkal and pass such further orders.

For Petitioner(s): Mr.C.A. Ramanan

For Respondent(s): Mr.A.Amarnath
Counsel for Government of Tamilnadu
(Criminal Side)
Mr.S.Varanesh
for Defacto Complainant



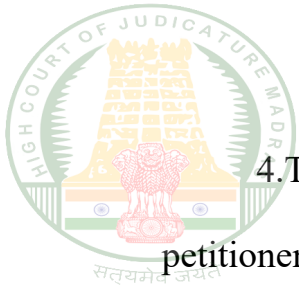
ORDER

This Criminal Original Petition has been filed to set aside the condition made in Para No.(i) That the Petitioner/accused shall deposit a sum of Rs.80,000/- (Rupees Eighty Thousand Only) as refundable deposit towards the damages, to the credit of the Cr.No.156 of 2026 of Rasipuram P.S. before the Learned Judicial Magistrate, Rasipuram vide order dated 04-06-2026 made in Crl M.P. No. 305 of 2026 before the Learned Principal Sessions Judge, Namakkal.

2.The petitioner was arrested in connection with the Crime No.156 of 2026 for the offence under Section 296 (b), 115 (2), 326 (g), 351 (3) of BNS. Subsequently the petitioner was granted bail by the learned Principal Sessions Judge, Namakkal in Crl.M.P.No.305 of 2026 dated 04.06.2026. While granting bail, certain conditions were imposed on the petitioner and the same is extracted hereunder:-

“(i) That the Petitioner/Accused shall deposit a sum of Rs.80,000/- (Rupees Eighty Thousand Only) as refundable deposit towards damages, to the credit of the Cr.No.156/2026 of Rasipuram Police Station before the learned Judicial Magistrate, Rasipuram;”

3.Aggrieved by the above said condition, the petitioner is before this Court.



4. The contention of the learned counsel for the petitioner is that the petitioner is an Engineering graduate and now he is not having any employment. There was previous enmity between the petitioner and the defacto complainant. He was falsely implicated in this case. In support of his contention, the learned counsel would rely upon the judgment of this Court in ***Sagayam @ Devasagayam Vs. State Rep. by the Inspector of Police*** reported in ***2017 SCC OnLine Mad 1653*** wherein it has been held that grant of bail is an exercise of judicial discretion by the Court based on consideration of several factors. Imposition of bail condition is also part of such exercise. It should be based on sound judicial principles. It should not be arbitrary, mechanical. Imposition of bail condition should not be for the sake of imposition of bail condition.

5. It is the case of the defacto complainant that the petitioner and the defacto complainant's aunt's son - Risol were friends. Since the petitioner had one previous case and in connection with the case the petitioner went to jail, the defacto complainant warned the said Risol not to have friendship with the petitioner. On 08.05.2026, when Risol came to the village of the defacto complainant, he told the said information to his friend – Logasuriya, the petitioner herein. On coming to know about the same, he called the defacto complainant and started arguing with him. In continuation thereto, he assaulted the defacto complainant and on 09.05.2026 he set fire to the vehicle belong to



the defacto complainant. The vehicle was valued around Rs.80,000/-. The learned Sessions Judge without giving any reason imposed a condition to deposit a sum of Rs.80,000/- as refundable deposit.

6.The learned counsel for the defacto complainant appeared through video conference and strongly objected to allow this petition.

7.Heard both sides and perused the material records.

8.Today, the respondent – Police is present before this Court along with the case diary. On perusal of the case diary, it is seen that already investigation in this case has been completed and charge sheet also made ready on 28.05.2026. In the charge sheet totally 11 witnesses listed. But there is no independent witness to speak about the petitioner / accused to set fire on the vehicle. Further, there is no certificate for the damages. Though the petitioner had been granted bail as early as on 04.06.2026, he could not come out on bail due to the onerous condition. Further, it is not the case that the vehicle was burnt and damaged in total, it is an assumptive statement by the defacto complainant.



9. Further, it can be noted that investigation in this case has been completed and the charge sheet has also been filed on 28.05.2026, and also there is no damage certificate available in the charge sheet.

10. In view of the above, this Court set asides the condition No.(i) alone of the order dated 04.06.2026 made in Crl.M.P.No.305 of 2026 on the file of the learned Principal Sessions Judge, Namakkal. The other conditions in the impugned order shall stand unaltered.

11. In the result, this Criminal Original Petition stands allowed.

18-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JER

To

1. The Principal Sessions Judge, Namakkal.
2. The Inspector of Police
Rasipuram Police Station,
Crime No.156 of 2026
Namakkal District.
3. The Public Prosecutor
High Court of Madras.

Note: Issue Order Copy on 19.06.2026.



WEB COPY

CRL OP No. 15374 of 2



M.NIRMAL KUMAR, J.

JER

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18-06-2026