



CRL OP(MD). No.5069 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Sham Nikethan

... Petitioner / Sole Accused

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.50 of 2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in Crime No.50 of 2026 on the file of the respondent police.

For Petitioner : Mr.K.Dinesh,
Advocate

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor



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ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 14.02.2026 for the offences punishable under Sections 126(2), 296(b), 115(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No. 50 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that about one year ago, the defacto complainant and the accused/petitioner developed a love affair. Since the parents of the defacto complainant condemned the same, she discontinued the relationship. While so, on 08.02.2026, the accused/petitioner came to the house of the defacto complainant and expressed his desire to marry her and requested them to arrange for their marriage, which was refused. Thereafter, on 13.02.2026 at about 09.40 p.m., when the defacto complainant and her mother were proceeding on a two-wheeler near Pachaiyappa Builders, Anuppanadi Main Road, the accused/petitioner intercepted them, abused the defacto complainant in filthy language, assaulted her with a hammer causing injuries on her head, pushed her mother down and criminally intimidated them with dire



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consequences, and thereafter left the place. Hence, the present case has been registered for the aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and that he has not committed the offences as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 14.02.2026 onwards. Hence, he seeks grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation is almost complete and that the petitioner has previous cases, including cases under the NDPS Act. Hence, he objected to the grant of bail to the petitioner.

5. This Court heard the learned counsel appearing on either side and perused the materials placed on record.

6. Considering the fact that the petitioner and the defacto complainant were in love with each other and also considering that the previous case relates to the year 2025 in which the investigation has



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already been completed and the final report has also been filed, and taking into account the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on 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 Court No.I, Madurai, and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

[c] the petitioner shall not tamper with the evidence or



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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 is 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]***; and

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

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- 1.The Judicial Magistrate Court No.I,
Madurai.
- 2.The Superintendent,
Central Prison,
Madurai.
- 3.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
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