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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 04-11-2026**

CORAM

**THE HON'BLE MR. JUSTICE K.MURALI SHANKAR**

**CRL OP(MD) No. 23941 of 2026**

CNR:{HCMD011506382026}

Mathan Kumar

..Petitioner/
Accused No.1

Vs

State Of Tamilnadu Rep By
The Inspector Of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No. 952/2026)

..Respondent/
Complainant

PETITION FOR BAIL Under Section 483 BNSS.

Prayer : For Bail in Crime No.952 of 2026 on the file of the Respondent Police.

For Petitioner(s) :Mr.P.Sonu,
Advocate

For Respondent(s) :Mr.C.Susikumar,
Government Advocate (Crl. Side)

**ORDER**

The petitioner / first accused, who was arrested and remanded to judicial custody on 05.10.2026 for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) BNS and Section 3(l) of TNPPDL Act, in Crime No.952 of 2026, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 04.10.2026, at about 08.00 p.m., the defacto complainant went to DSF Grand Plaza to consume liquor along with his friends. At that time, his friend, Rahul Rithis, a resident of Kerala, went into the smoking room attached to the bar and requested the third accused to give him a cigarette to light his own cigarette. However, the third and fourth accused allegedly abused him in filthy language and assaulted him. Thereafter, the petitioner and the second accused, who were working in the bar, came there and assaulted Rahul Rithis with an iron rod on his head. When the defacto complainant attempted to rescue Rahul Rithis, the accused persons allegedly assaulted him, threatened them with dire consequences and damaged the front mudguard of his two-wheeler.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that the petitioner was working in the bar and a quarrel arose between two groups, in which the petitioner merely intervened to pacify them, but taking note of the petitioner's previous cases, the respondent police have falsely implicated him as an accused in the present case. He would further submit that the accused 2 to 4 were granted anticipatory bail by the Principal Sessions Court, Thoothukudi, in



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Crl.M.P.Nos.5134 and 5289 of 2026 on 13.10.2026 and 29.10.2026 and that the petitioner is in judicial custody from 05.10.2026.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured was already discharged from the hospital, that the value of the damage is Rs.1,500/- and that the accused 2 to 4 were granted anticipatory bail on condition to deposit Rs.750/- each. He would further submit that the petitioner is having 6 previous cases, in which, 1 case was already disposed of and 5 cases are pending including a case for the offence under Section 307 IPC.

5. Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 05.10.2026, that the injured was already discharged from the hospital and that the co-accused were granted anticipatory bail by the Principal Sessions Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi, and on further



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conditions that:

a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation;

c) the petitioner shall not tamper with the 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 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];***

f) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS, 2023.

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CSM



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To

1. The Judicial Magistrate No.I, Thoothukudi.

2. Do through the Chief Judicial Magistrate, Thoothukudi.

3. The Officer-in-Charge, District Jail, Perurani, Thoothukudi District.

4. The Inspector Of Police, Thoothukudi South Police Station,
   Thoothukudi District.

5. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.



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**K.MURALI SHANKAR, J.**
CSM

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