WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 23-10-2026**

CORAM

**THE HON'BLE DR.JUSTICE P.MURUGAN**

**CRL OP(MD) No. 24165 of 2026**
CNR:{HCMD011528952026}

K.Sudalaimuthu @ Suresh

..Petitioner(s)

Vs

The State of Tamil Nadu
Rep. by the Inspector of police,
Thoothukudi South PS,
Thoothukudi District.
Cr.No.796/2026.

..Respondent(s)

**PRAYER:** For Bail in Crime No.796/2026 on the file of the respondent police.

For Petitioner(s): Mr.Vairavan Kasirajan

For Respondent(s): Mr.V.Shathurthi Raja
Government Advocate (Crl. Side)

**ORDER**

The petitioner/A1, who was arrested and remanded to judicial custody on 17.08.2026 for the offences punishable under Section



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

WEB COPY

3(5), 296(b), 351(3) of BNS, Section 3(1), 4 of TNPPDL Act and Section 4(a) of the Explosive Substances Act in Crime No.796 of 2026, on the file of the respondent Police, seeks bail.

**2.** The case of the prosecution is that the petitioner along with other accused have abused the defacto complainant in filthy language, criminally intimidated him and also thrown petrol bombs on his house and damaged the properties. Hence, the complaint.

**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. He would further submit that the petitioner is in judicial custody from 17.08.2026 for more than 67 days. He would also submit that the co-accused has been granted bail by the learned Principal Sessions Judge, Thoothukudi, in Cr.M.P.No.4398 of 2026 dated 28.08.2026 and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

**4**. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and would submit that there are totally five accused in this case and the petitioner herein



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

WEB COPY

has 16 previous cases, out of which, one case is similar in nature. He would also submit that out of 16 cases, three cases ended in acquittal and the remaining 13 cases are pending.

**5.** From the submissions of both sides, it is seen that there are totally five accused in this case. A5 is a juvenile and A2 was granted bail by the Sessions Court. Further, A2 has three previous cases, A3 has one previous case and A4 has two previous cases against them. As far as the petitioner herein/A1 is concerned, there are 16 previous cases, out of which, one case is similar in nature. The petitioner availed bail in all 16 cases, out of which, three cases ended in acquittal and 13 cases are pending investigation/trial.

**6**. Considering the above facts and circumstances and also the period of incarceration of the petitioner for 67 days, this Court is inclined to grant bail to the petitioner subject to certain conditions.

**7**. 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 Principal Sessions Judge, Thoothukudi, and on further conditions that:



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

WEB COPY

**[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]** After execution of the surety before the learned Principal Sessions Judge, Thoothukudi, the accused is directed to appear before the learned Judicial Magistrate No.I, Kanchipuram District for 15 working days at 10.30 am., within two days from the date of execution of surety. Thereafter, the accused shall appear before the learned Judicial Magistrate No.I, Kanchipuram District on every Wednesday at 10.30 am for a period of 10 weeks;

**[c]** In the event that the accused is unable to appear before the said Court, the counsel for the accused may file accused absence petition on behalf of the accused under Section 355 of BNSS and the same may be considered by the Court;

**[d]** In the event that neither the accused appear nor his counsel file any such accused absent petition, the Court has to issue a Non Bailable Warrant against the accused and secure him and commit him to custody;



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

WEB COPY

**[e]** If the accused thereafter absconds, a fresh FIR shall be registered under Section 269 BNS, 2023;

**[f]** If the investigating agency requires the presence of the accused, after the execution of the bail bond, the Investigating Officer has to issue a summons to the accused for interrogation. However, the interrogation should not amount to harassment of the accused. The issuance of the summons to the accused and the interrogation of the accused should be reflected in the CD file as well as in the General Diary. The said exercise shall be done by the Investigating Officer at once or twice during the daytime. Once the purpose of the interrogation is over, the accused shall be sent out from the police station without any further delay;

**[g]** On compliance of the above conditions for appearance of the accused all the conditions referred above shall stand relaxed;

**[h]** the petitioner shall not tamper with the evidence or witness either during investigation or trial;

**[i]** the petitioner shall not abscond either during investigation or trial;

**[j]** On breach of any of the aforesaid conditions, the learned



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

WEB COPY

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].**

**23-10-2026**

Lm

To

1. The Principal Sessions Judge, Thoothukudi.

2. The Judicial Magistrate No.I, Kanchipuram.

3. The Inspector of police,
   Thoothukudi South PS,
   Thoothukudi District.

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

5.The District Jail, Peravurani, Thoothukudi District.



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

WEB COPY



**DR.P.MURUGAN, J.**

Lm

**CRL OP(MD) No. 24165 of 2026**

**23-10-2026**



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