

(2025) 11 MAD CK 1969

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 18981 Of 2025

Maruthuraj @ Subjail

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 17-11-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 61(2), 103, 109, 118(1), 190, 191(2), 191(3), 269, 296(b), 351(3)

Citation : (2025) 11 MAD CK 1969

Hon'ble Judges : S.Srimathy, J

Bench : Single Bench

Advocate : R.Muthuram, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 20.11.2024 for the offences punishable under Sections 103 & 118(1) of BNS altered into Sections 103, 61(2), 191(2), 191(3), 109, 351(3), 190, 296(b), 3(5) of BNS, in Crime No.424 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner and other accused persons assaulted the deceased using aruval and caused injury on his neck and abused him and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 20.11.2024. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that A1 in this case is said to have assaulted the deceased using Aruval and other accused are helping A1 and investigation is yet to be completed. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant interim bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on interim bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Shenkottai, Tenkasi District, 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 is directed to appear before the Dean, Tenkasi Government Hospital daily at 10.30 a.m, till 12.12.2025 and shall do social service in Tenkasi Government Hospital till 12.12.2025 and for further orders, this matter is ordered to be posted on 12.12.2025;

[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 absconds, a fresh FIR can be registered under Section 269 BNS.

7. Post the matter on 12.12.2025 for reporting compliance. Accordingly, interim bail is granted to the petitioner till 12.12.2025.