

(2025) 12 MAD CK 0012

Madras HC

Case No: Criminal Original Petition No. 34623 Of 2025

Visveshwar

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 115(2), 118(1), 269, 296(b), 309(4), 311, 324(4), 329(4), 351(3)

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: D. Magesh, A. Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 20.11.2025 for the offences punishable under Sections 296(b), 115(2), 118(1), 324(4), 329(4), 309(4), 311, 351(3) of BNS in Crime No.583 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against the petitioner herein is that, the petitioner joined hand with three other accused trespassed into the house of the defacto complainant, attacked her with knife, damaged the household properties and taken away 2 sovereigns of gold chain; that further they threatened the defacto complainant of dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is in judicial custody since 20.11.2025; that the co-accused was already granted bail by this Court, vide order dated 09.12.2025 in CrI.O.P.No.33570 of 2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that there are totally four accused involved in this case and the petitioner is arrayed as A2; that the petitioner has one previous case registered under women harassment; that the injured discharged from the hospital and the stolen property has also been recovered; and that the investigation of this case is pending.

5. Though it is reported that the petitioner is having one previous case, considering the submissions made, facts and circumstances of the case, the injured has been discharged from the hospital and the stolen property was also recovered, the co-accused was already granted bail by this Court in Crl.O.P.No.33570 of 2025 and the period of incarceration undergone by the petitioner herein, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Tambaram and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10:30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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)13 SCC 283];

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.