

TNMD010016592026



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Monday, this the 9th day of March, 2026.

CrI.M.P.No.1038/2026

CNR No.TNMD010016592026

Vishnu, S/o.Saravanan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Oomatchikulam P.S. in Cr.No.11/2026

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.S.R.Hariharan, Advocate for the petitioner and of Public Prosecutor for the State, this court passed the following:

Order

1. Bail application u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both sides.

3. The learned counsel for the petitioner/accused would submit that this is the 2nd petition and that the respondent police has registered a case against unknown accused in Crime No.11/2026 for the offences u/s 191(2), 126(2), 115(2), 121(1) of BNS and 4 of TNPWH Act and subsequently arrayed the petitioner as A2 in this case. The respondent police arrested the petitioner and remanded to judicial custody on 13.02.2026 and is in custody for the past 25 days. The petitioner is innocent and he has not committed any offences as alleged. The delay in registering the FIR is not explained. When the accused persons were standing near the place of occurrence and talking with each other, the defacto-complainant enquired them and took them to the police station in the name of enquiry and falsely implicated in this case. There is no necessity for the petitioner to attack the police personnel. The petitioner knows how to behave with the police personnel. No such occurrence as

alleged has taken place. Investigation is almost over. The petitioner has not filed similar petition before the Hon'ble Madurai Bench of Madras High Court or any other court. The petitioner is ready to abide by any conditions that would be imposed by this Court and prayed to allow the petition.

4. The learned Public Prosecutor submitted that initially FIR was registered against 5 unknown accused persons. As per the case of the prosecution, the defacto-complainant is the Woman Head Constable-3949, working in Mattuthavani P.S. On 09.02.2026 at 09.30 p.m. after finishing her duty, she returned home. When she was coming near Aathukkal bridge on Ganapathy Nagar to Park town road, 3 persons have come there, 2 of them wrongfully restrained her Activa two-wheeler, one of them pulled her uniform shirt and another one beat her with a stick. On gathering of public, they ran away from the scene of occurrence. Two more persons, who were standing there, have ran into the nearby agricultural land. In this occurrence, the helmet glass was broken and thereby the defacto-complainant sustained injury at her face. While the accused was pulling her shirt, she sustained scratch wound at her neck and as one of the accused beat her with stick, she sustained swelling injury at her hand. Hence, the complaint. Injured has not taken any treatment. Investigation revealed that A1 to A5 have committed the offences and the petitioner is A2. A3 is juvenile. Arrested co-accused are still in custody. A4 and A5 are yet to be arrested. Investigation is pending and objected to grant bail to the petitioner.

5. Rival contentions are taken into consideration. The alleged offences against the petitioner/accused are u/s 191(2), 126(2), 115(2), 121(1) of BNS and 4 of TNPWH Act. The occurrence is said to have taken place on 09.02.2026.

6. This is the 2nd petition filed by the petitioner. The learned counsel for the petitioner submitted that when the accused persons were standing near the place of occurrence and talking with each other, the defacto-complainant, who was out of uniform, enquired them, unnecessarily scolded the juvenile accused and took them to the police station in the name of enquiry and falsely implicated in this case, that there is no necessity for the petitioner to attack the police personnel, that the

petitioner knows how to behave with the police personnel and that no such occurrence as alleged has taken place and prayed to consider his remand period. Per contra, the learned Public Prosecutor strongly objected stating that the defacto-complainant is the Woman Head Constable-3949, on 09.02.2026 at 09.30 p.m. the defacto-complainant finished her duty and she was returning home, she was in uniform, at that time, 3 persons have come there, 2 of them wrongfully restrained her Aactiva two-wheeler, one of them pulled her uniform shirt and another one beat her with a stick and thereby caused injury at her and also a swelling injury at her hand and that as the helmet glass was broken she sustained injury at her face. The accused persons are said to have assaulted the Woman Head Constable, while she was in uniform, which cannot be taken lightly. It is a crime against the law enforcing authorities. The petitioner is in custody only for 25 days. Some of the accused are still absconding. Material part of investigation has not been completed. This court dismissed the bail / anticipatory bail application of A1 and A4 respectively on 07.03.2026. No change of circumstance. Considering the above facts, the seriousness of offences, the pending stage of investigation and the strong objections placed on the side of prosecution, this court is not inclined to grant bail to the petitioner at this stage and accordingly, the petition is liable to be dismissed.

In the result, the petition is dismissed.

Pronounced by me in the Open Court on the 9th day of March, 2026.

Principal Sessions Judge,
Madurai

Copy to : The J.M.No.5. Madurai.