

TNMD010021292026



In the Court of the Principal Sessions Judge, Madurai.

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

Principal Sessions Judge, Madurai.

Wednesday, this the 1<sup>st</sup> day of April, 2026.

CrI.M.P.No.1273/2026

CNR No.TNMD010021292026

Periyasamy, S/o.Manickam

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Mattuthavani P.S. in Cr.No.49/2026

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.M.Suriya Bagavandoss, 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 the respondent police has registered a case against unknown accused in Cr.No.49/2026 for the offences u/s 309(4), 311 and 351(3) of BNS and subsequently arrayed the petitioner as accused in this case. The respondent police arrested the petitioner and remanded to judicial custody on 04.03.2026 and is in custody for the past 29 days. The petitioner is innocent and he has not committed any offences as alleged. The petitioner was taken from his house in the name of enquiry by the respondent police and falsely implicated in this case. The petitioner had no prior cases up to the filing of the present FIR. After remand of petitioner on 04.03.2026, 4 more cases are registered against the petitioner. 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 unknown accused. As per the case of the prosecution, on 03.03.2026 at 09.00 p.m., when the defacto-complainant was standing near the public toilet at Mattuthavani, Madurai, 3 persons armed with knife and iron rod threatened the defacto-complainant and committed robbery of Rs.2,000/- from him and also criminally intimidated him and the public with dire consequences. Hence, the case. Investigation revealed that A1 to A3 have committed the offences and the petitioner is A3. The petitioner has 4 previous cases, which are concerned with year 2026. Case properties viz. cash Rs.500/-, cellphone, knife and iron rod were recovered from A1, from whom 18 two-wheelers were also recovered. The confession statement of A1 reveals that A1 to A3 have involved in so many cases of theft. 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 309(4), 311 and 351(3) of BNS. The occurrence is said to have taken place on 03.03.2026. Case properties were recovered from A1. Based on the confession statement of A1, the petitioner is implicated in this case as A3. It is contended on the side of prosecution that along with case properties, 18 two-wheelers were recovered from A1 and that the confession statement of A1 reveals that A1 to A3 have involved in so many cases of theft. This petition is posted today for clarification whether the petitioner/A3 is involved in the above said two-wheeler theft cases. The learned Public Prosecutor clarified that the petitioner/A3 is not connected with the two-wheeler theft cases referred above, but 4 previous cases in Crime Nos.47, 48, 78 & 79/2026 are pending against the petitioner. It is replied on the side of petitioner that the petitioner had no prior cases up to the filing of the present FIR and that after remand of petitioner on 04.03.2026, the petitioner is arrayed as accused in the above said 4 cases. The petitioner is in custody for 29 days. Material part of

investigation ought to have been completed by this time. Considering the above facts, the duress period of petitioner, the recovery of case properties and the facts and circumstances of the case, this court is inclined to grant bail to the petitioner on conditions.

In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate No.VI, Madurai subject to the following conditions:-

(i) After release, the petitioner shall appear and sign before the Inspector of police, respondent police station **daily at 10.00 a.m. for a period of 30 days.**

(ii) The petitioner shall co-operate with the investigation and shall not threaten the witnesses and shall not cause hindrance to the pending investigation.

(iii) That the petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected and

(iv) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

Pronounced by me in the Open Court on the 1<sup>st</sup> day of April, 2026.

Principal Sessions Judge,  
Madurai

**Copy to**

1. The J.M.No.6. Madurai.
2. The Inspector of Police, Mattuthavani P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.