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CRL OP(MD) No. 16216 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP(MD) No. 16216 of 2026

G.V.Markandayan
S/o.Late.G.Varatharajan,
Member of Legislative Assembly (Vilathikulam
Constituency),
No.2, West Street,
Ramachandrapuram,
Vilathikuklam Taluk,
Thoothukudi District.

..Petitioner(s)

Vs

The State represented by, The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No.16 of 2026

..Respondent(s)

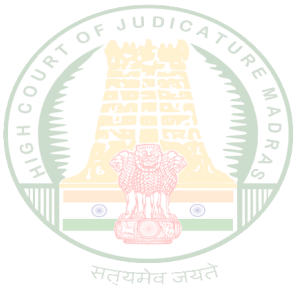
PRAYER : Criminal Original Petition filed under Section 351(3) of BNS
praying to release the petitioner on bail in crime No.06 of 2026 on the file of the
respondent police and pass such further or other orders as this Honble Court
may deem fit and proper in the circumstances of the case and thus render
Justice.

For Petitioner(s):

Mr. P.Wilson
for Mr.S.Kasirajan

For Respondent(s):

Mr.R.John Sathyan
State Public Prosecutor
Assisted by Mr.Arun Anbumani
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.07.2026 for the offence punishable under Sections 351(3), 352, 353(2) of BNS, 2023 in crime No.16 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 19.07.2026 at about 22:00 hrs., while T. Shanmugasundaram, Special Sub Inspector of Police, District Crime Branch-I, Thoothukudi was in charge of the Station, he received a petition as per the instructions issued in C.No.107/Camp/SP.TUT/2026 dated 19.07.2026 from the Office of the Superintendent of Police, Thoothukudi District. A complaint was submitted by one S. Balasubramanian (de facto complainant). After perusing the contents of the petition and considering its nature, a case was registered in Thoothukudi District Crime Branch-I in Crime No.16 of 2026 under Sections 351(3), 352, and 353(2) of the BNS. The de facto complainant states that he is serving as the District Secretary, Thoothukudi North District, Kovilpatti. On 18.07.2026 at about 09:00 p.m., a public meeting was conducted near Krishnan Temple, Kovilpatti, to express gratitude to voters on behalf of the political party. During the said public meeting, the sitting MLA of Vilathukulam Constituency, Mr. Markandeyan, while addressing the gathering,



made highly derogatory, abusive, and threatening remarks against the Hon'ble Chief Minister of Tamil Nadu. In the course of his speech, the MLA allegedly used insulting language and issued criminal threats, including statements to the effect that the Chief Minister would be dealt with inside the Legislative Assembly and physically harmed if certain actions were taken. It is further stated that the said speech has been widely circulated on the internet, creating tension between members of different political parties and giving rise to a likelihood of public unrest, disturbance of public peace, and possible clashes between groups. Hence, the complainant requested that appropriate legal action be taken against the said MLA for his acts of issuing threats, using abusive language, and causing a potential disturbance to public order. Based on the said complaint, an FIR was registered, and the petitioner was remanded to judicial custody on 20.07.2026.

2. The learned Senior Counsel appearing for the petitioner would submit that, even according to the case of the prosecution, as per allegation no offence is made under Section 351(3) of BNS Insofar as Section 352 of BNS is concerned, there must be intentional insult with intent to provoke breach of peace, however no such thing happened in this case. The entire case is based on alleged speech delivered during public meeting which is political in nature and the same has been misconstrued and exaggerated with mala fide intention to attract criminal liability. Even as per the allegation, the complaint do not



disclose any specific, direct or imminent threat so as to attract the ingredients of criminal intimidation under Section 351 of BNS. Hence, he prayed for grant of bail to the petitioner,

3. The learned Public Prosecutor would submit that based on the information received from the defacto complainant and from the video footage it is evident that the petitioner had committed serious offence by issuing threat to the Hon'ble Chief Minister of Tamil Nadu, Hence, FIR was registered against the petitioner and he was remanded to Judicial Custody on 20.07.2026 and even after arrest, petitioner, did not co-operate for investigation. Hence, he vehemently opposed for grant of bail to the petitioner.

4. Considering the facts and circumstances of the case and the nature of allegations, this Court is inclined to grant bail to the petitioner with certain conditions:

5. 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 Judicial Magistrate No.1, Thoothukudi and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or



Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required. It is also made clear that on the days when the Tamil Nadu Legislative Assembly is in session, the petitioner is exempted from appearing before the respondent police.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

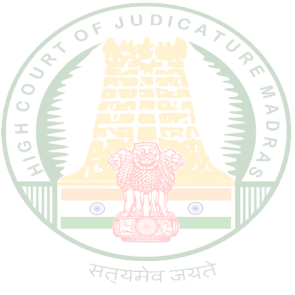
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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 229A IPC.

[g] the petitioner shall file an affidavit of undertaking before the Judicial Magistrate No.I Thoothukudi stating that he will not indulge in any kind of speech in future against the Hon'ble Chief Minister of Tamil Nadu.

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To

1.The Inspector of Police,
District Crime Branch,
Thoothukudi District.

2. The Public Prosecutor,
Madras High Court.

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G.K.ILANTHIRAIYAN, J.

SMA

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