



CRL OP(MD). No.21461 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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V.Balasubramanian

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.219 of 2024)

... Respondent / Complainant

For Petitioner : Mr.I.Pinaygash, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.219 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 13.04.2024 for the alleged offences under Sections 302, 109, 201 of IPC, in



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Crime No.219 of 2024, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that A1 solemnized the second marriage with A2. The deceased is the son of the petitioner through the first wife. It is stated that the deceased tried to misbehave with the step mother (A2). Knowing about the same, the petitioner (A1) along with 2 others attacked the deceased with iron rod and strangled him and committed murder. There are totally 3 accused persons in this case and the petitioner has been arrayed as A1.

3. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that during the course of investigation, it came to light that A1 had not married A2 and he was only having a relationship with A2. He further submitted that A1 had planned this murder and ultimately, he has killed his own son. He further submitted that there are 3 previous cases against the petitioner. The learned Additional Public Prosecutor further submitted that the investigation has been completed and the police report has been filed and the case is now pending on the file of the learned I Additional District and Sessions Judge, Thoothukudi in S.C.No.273 of 2024.

4. The learned counsel for the petitioner submitted that the petitioner has suffered incarceration from 13.04.2024 and the earlier bail petition filed by the petitioner in CrI.OP(MD).No.19199 of 2024 was dismissed by this Court by an order



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dated 07.11.2024 since the petitioner was detained under 14 of 1982. He further submitted that the detention order became a subject matter of challenge before this Court in H.C.P.(MD).No.707 of 2024 and the H.C.P. was allowed by an order dated 25.11.2024 and the detention order was quashed.

5. Heard the learned counsel on either side and perused the material records of the case.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 13.04.2024 and the investigation has already been completed and the case is now pending before the learned I Additional District and Sessions Judge, Thoothukudi and taking note of the 3 previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, 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.



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[b] the petitioner shall report before the learned I Additional District and Sessions Judge, Thoothukudi during every date of hearing without fail.

[c] the petitioner shall not tamper with 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 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 of BNS, 2023.

sd/-
06/12/2024

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06/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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1.The I Additional District and Sessions Judge,
Thoothukudi.

2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

3.The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-15007[I] dated 06/12/2024)

ORDER
IN

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Date :06/12/2024

ED/ /SAR- (06/12/2024) 5P / 6C

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