



Crl.O.P.No.18797 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18797 of 2025

1.Mahakumar
2.Akash

... Petitioners/A1 & A3

Vs.

The State rep by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Crime No.285 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in connection with S.C.No.4 of 2025 pending before the District and Sessions Judge, Nagapattinam District.

For Petitioners : Mr.U.Kathiravan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

The petitioners, who are facing trial in S.C.No.4 of 2025 on the file of Principal District Court, Nagapattinam for the offences punishable under Section 103(1) of BNS, 2023 in connection with Crime No.285 of 2024, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that due to previous enmity between the petitioners and de-facto complainant, on 30.10.2024, the petitioners along with another accused attacked one Rajesh with billhook, thereby the said Rajesh died on the spot. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners were detained under Tamil Nadu Act 14 of 1982 and the same was revoked by this Court on 05.06.2025. He further submitted that the co-accused was granted bail by this Court in Crl.O.P.No.18112 of 2025 on 25.06.2025. He further submitted that in this case charge sheet filed in S.C.No.4 of 2025 before the Principal District Judge, Nagapattinam. Hence, he prayed to grant bail to the petitioners.



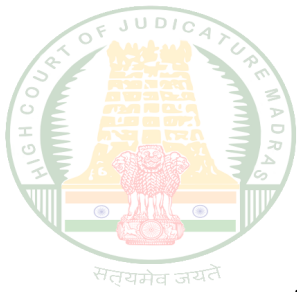
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4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and confirmed the fact that the detention order against the petitioners was revoked and co-accused was granted bail by this Court in CrI.O.P.No.18112 of 2025 on 25.06.2025. He further submitted that the first petitioner/A1 is a History Sheeter and he has got 9 previous cases. He further submitted that investigation in this case completed and charge sheet filed in S.C.No.4 of 2025 before the Principal District Judge, Nagapattinam.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on either side and the period of incarceration undergone by the petitioners, the fact that co-accused was already granted bail by this Court and in this case charge sheet has been filed in S.C.No.4 of 2025 before the Principal District Judge, Nagapattinam, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each, with **two sureties**, each for a like sum to the satisfaction of the learned **District and Sessions Judge, Nagapattinam**, 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;

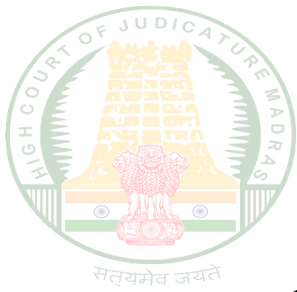
[b] the petitioners shall appear before the trial Court on all hearing dates without fail;

[c] the petitioners shall make themselves available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as



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laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)13 SCC 283];

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

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The District and Sessions Judge,
Nagapattinam.

2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

3.The Superintendent,
District Prison, Pudukottai.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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