



CRL OP(MD). No.1259 of 2025

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

Date : 23/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Kanthasubramanian

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
(In Crime No.96 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.96/2024. 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 15.05.2024 for the alleged offence under Section 302 of IPC, in Crime No.96 of 2024, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the deceased had borrowed some money from A1 and since the same was not repaid, the accused persons are said to have attacked the deceased indiscriminately, as a result of which, the head of the deceased was severed. There are totally two accused persons in this case and the petitioner has been arrayed as A1.

3. The learned counsel for the petitioner submitted that the petitioner was arrested and remanded to Judicial Custody on 15.05.2024 and thereafter, detention order was passed under Act 14 of 1982 and the detention order was quashed by this Court in H.C.P.(MD).No.875 of 2024 by an order dated 09.12.2024. He further submitted that investigation has been completed and the case is now pending before the Sessions Court. He further submitted that this Court has already granted bail to Accused No.2 in Crl.O.P.(MD).No.1055 of 2025 by an order dated 22.01.2025.

4. The learned Additional Public Prosecutor submitted that the deceased was brutally murdered in this case and the head was severed. He further submitted that, there are three previous cases pending against the petitioner. He further submitted that, the case is now pending before the Sessions Court in S.C.No.293 of 2024 and the case is posted on 28.02.2025 for framing of charges.

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



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6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 15.05.2024 and also considering the fact that the investigation has been completed and the case is at the stage of framing of charges and also taking note of the previous cases pending against the petitioner and considering the fact that this Court has already granted bail to Accused No.2 in CrI.O.P.(MD).No.1055 of 2025 by an order dated 22.01.2025, 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 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.

[b] the petitioner shall report before the learned I Additional Sessions Judge, Thoothudkudi daily at 10.30.a.m., apart from the hearing dates until further orders without fail.

[c] the petitioner shall not tamper with evidence or witness either during



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investigation or trial.

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[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/-
23/01/2025

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23/01/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The I Additional Sessions Judge,
Thoothukudi.

2.The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.



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3.The Superintendent,
Central Prison, Palayamkottai.

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

ORDER
IN
CRL OP(MD) No.1259 of 2025
Date :23/01/2025

ED/ /SAR- (23/01/2025) 5P / 5C

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