



CRL OP(MD). No.2087 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Muthukrishnan

... Petitioner/ Accused 1

Vs

State of Tamil Nadu,
Rep. By. the Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District,
Tirunelveli
(In Crime No.251 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.V.Angusamy, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.251/2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 23.11.2024 for the offences under Sections 126(2), 294(b), 109 and 351(3) of BNS (hereinafter referred to as new penal code) and subsequently altered to Sections 109, 126(2), 296(b), 351(3), 49 and 61(2) of new penal code in Crime No.251 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the son of the defacto complainant was murdered in the year 2020 and the petitioner is one of the accused in that case. When the case was pending trial, the defacto complainant was waylaid by the accused persons and he was threatened and was attacked with sickle. There are totally three accused persons in this case and the petitioner has been arrayed as A1.

3.The petitioner had earlier filed a bail application before this Court in Crl.O.P (MD)No.21775 of 2024 and the same was dismissed by this Court by an order dated 13.12.2024 on the ground that detention order has been passed against the petitioner.

4.The present bail application has been filed on the ground that the detention order was revoked by the Advisory Board and that the petitioner is suffering incarceration in this case from 23.11.2024

5.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are five previous cases against the petitioner, out of which one



is a murder case. He further submitted that this incident had taken place when the earlier case was pending at the stage of trial and hence he vehemently opposed the grant of bail to the petitioner.

6. Heard the learned Counsel appearing on either side.

7. Taking into consideration the facts and circumstances of the case and considering the fact that there are five previous cases against the petitioner and also of the fact that this petitioner has already suffered incarceration from 23.11.2024 and taking note of the fact that the detention order passed against the petitioner was revoked by the Advisory Board and also the fact that the investigation is pending in this case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on 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 Judicial Magistrate, Nanguneri, 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 every Monday and



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Friday at 10.30 a.m until further orders.

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[c] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-

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31/01/2025

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE,

NANGUNERI.

<https://www.mhc.tn.gov.in/judis>



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYANKOTTAI.

4 THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT,
TIRUNELVELI

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-1285[I] dated 31/01/2025)

ORDER
IN
CRL OP(MD) No.2087 of 2025
Date :31/01/2025

SA/SAR. /31.01.2025/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.