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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2478 of 2025

1.V.Thangapandiyan

2.T.Sundaravalli

... Petitioners/ Accused Nos.A2 & A5

Vs

The State of Tamilnadu,
Rep. by the Sub Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
Crime No.610 of 2024

... Respondent/ Complainant

For Petitioners : Mr.C.Thiruvavutselvan, Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.610 of 2024 on the file of the respondent-police.



ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 06.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The first petitioner / A2 was arrested and remanded to judicial custody on 02.01.2025, and the second petitioner / A5 was arrested and remanded to judicial custody on 24.12.2024 for the alleged offences punishable under Sections 49, 126(2), 296(b), 109(1), 118(1), 351(3) and 103 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.610 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that due to the previous enmity between the son-in-law of the defacto complainant and the first petitioner (A2) regarding the murder of the petitioners' son, on 20.12.2024, at about 08:45 a.m., when the defacto complainant's son was returning home after visiting their agricultural land, at the instigation of the first petitioner (A2) and A3, A4, A5 attacked the defacto complainant's son with a knife, resulting in his murder. On investigation, it was revealed that the second petitioner (A5) was also involved in the commission of the murder. Hence the case.



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4. Mr.C.Thiruvartselvan, the learned counsel appearing for the petitioners, submits that the petitioners have been falsely implicated in this case and the petitioners did not commit any offence as alleged by the prosecution. He further submits that the first petitioner/ A2 has been in judicial custody from 02.01.2025 and the second petitioner/ A5 has been in judicial custody from 24.12.2024. He therefore prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioners are husband and wife, and that due to previous enmity between the first petitioner and the son-in-law of the de facto complainant regarding the murder of the first petitioner's son, the petitioners, along with other accused persons, conspired and murdered the defacto complainant's son. He further submits that it was a well-planned murder, and that the investigation in this case is still incomplete. Therefore, if the petitioners are granted bail, they will cause a threat to the defacto complainant and his family members, as well as to the eye-witnesses. Therefore, he prays to dismiss this Criminal Original Petition.



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6. Heard on both sides. This Court has perused the records.

7. The second petitioner/A5 was arrested and remanded to judicial custody on 24.12.2024. Considering the fact that the second petitioner is a woman and also considering the period of incarceration and taking note of the fact that the custodial interrogation of the second petitioner, hereinafter, is unnecessary, this Court is inclined to grant bail to the second petitioner, however, subject to certain conditions. Accordingly, bail is granted to the second petitioner subject to the following conditions:

(i) The second petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Cheranmahadevi shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The second petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The second petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected;

(v) The second petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The second petitioner shall furnish her residential address and mobile number;

(vii) The second petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. and 05.00 p.m., until further orders;

(viii) The second petitioner shall not enter into the defacto complainant's house or workplace;



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(ix) The second petitioner shall not try to contact the defacto complainant either directly or through any electronic mode;

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Cheranmahadevi is entitled to pass appropriate orders against the second petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. As far as the first petitioner is concerned, this Court is of the view that since the investigation is not completed, if the first petitioner is released on bail, he will cause threat to the defacto complainant and his family members and other witnesses and thereby cause much inconvenience to the general public also. In the facts and circumstances, this Court is not inclined to grant bail to the petitioner.



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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra insofar as the second petitioner/A5 is concerned and this Criminal Original Petition is dismissed insofar as the first petitioner/A2 is concerned.

Sd/-
19/02/2025

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19/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAGATHEVI,
TIRUNELVELI DISTRICT.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 5 THE OFFICER INCHARGE,
WOMEN'S PRISON, KOKKARAKULAM,
TIRUNELVELI DISTRICT.



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

ORDER IN
CRL OP(MD) No.2478 of 2025
Date :19/02/2025

ES/SAR/19.02.2025/8P/7C

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