



CRL OP(MD) No.2576 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2025

PRESENT

THE HONOURABLE **MR. JUSTICE R. SAKTHIVEL**

CRL OP(MD) No.2576 of 2025

Hemadeeban

... Petitioner/ A6

Vs

The State of Tamil Nadu,
rep. by Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.1011 of 2024

... Respondent/ Complainant

For Petitioner : Mr.M.Karunanithi, Advocate
For Respondent : Mr.R.Meenakshisundaram,
Additional Public Prosecutor

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023 praying to enlarge the petitioner on bail in Crime No.1011 of 2024 on the file of the respondent-police.

ORDER : This Court made the following order:-

This Criminal Original Petition has been filed by the petitioner/A6 on 07.02.2025 under Section 483 of Bharathiya Nagarik Suraksha Sanhita, 2023 praying to grant bail.



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2. The petitioner/A6 was arrested and remanded to judicial custody on 08.12.2024 for the alleged offence punishable under Sections 103, 126(2), 296(b) and 351(3) of BNS @ Section 103, 126(2), 296(b), 351(3), 61(2)(a) of BNS in Crime No.1011 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that there was a dispute between A1 to A3 and the deceased, who was the driver of a mini bus, on 06.12.2024, for which the deceased had lodged a police complaint. Due to vengeance, the accused persons, including the petitioner (A6), conspired together to murder the deceased. On 07.12.2024, when the deceased, along with the conductor of the said mini bus, was proceeding to take the mini bus after drinking tea near Sinnathaikal Street, A1 and A2 waylaid the deceased, quarrelled with him, and attacked him repeatedly with a sickle and sword, causing his death. Hence, the complaint.

4. Mr.M.Karunanithi, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 08.12.2024 and



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he is ready to obey the conditions to be imposed by this Court and prays for granting bail to the petitioner.

5. *Per contra*, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police submits that investigation is yet to be completed in this case and the petitioner has no previous case. However, he strongly opposes to grant bail to the petitioner.

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

7. The name of the petitioner does not appear in the FIR, and his role was merely to aid in the commission of the murder. The petitioner has permanent residence and deep roots in society. Therefore, there is less possibility of absconding. Considering the overt act of the petitioner and also considering the fact that the petitioner is the first offender and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



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(i) The 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, Thanjavur;

(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, Thanjavur shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thanjavur;

(iv) **The petitioner shall stay at Dindigul and sign before the learned Judicial Magistrate No.I, Dindigul, on all working days at 10.00 am. and 05.30 pm., until further orders;**

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and



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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the 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. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
12/02/2025

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12/02/2025

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

RMK
TO

- 1 THE JUDICIAL MAGISTRATE
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.



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4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

COPY TO:
THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL.

ORDER
IN
CRL OP(MD) No.2576 of 2025
Date :12/02/2025

SS/SAR- /12/02/2025/ 6P/7C

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