



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.2796 of 2025

1.Manikandan,
S/o Mookandi,
31B/2, Levinchipuram 2nd Street,
Thoothukudi,
Thoothukudi District.

2.Ramkumar,
S/o.Muthusamy,
Near to Muniyasamy Kovil,
Sathiya Nagar,
Tiruchendur Road,
Thoothukudi District.

... Petitioners/ A3 & A4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
Crime No.198 of 2024

... Respondent/Complainant

For Petitioners : N.Pragalathan,
Advocate

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



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PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioners herein on bail in the case in S.C.No.213 of 2024 on the file of the II Additional District and Sessions court, Thoothukudi in Crime No.198 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 12.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioners were arrested and remanded to judicial custody on 12.05.2024. The petitioners are facing trial in S.C.No.213 of 2024 on the file of the learned II Additional District and Sessions Judge, Thoothukudi for the offences punishable under Sections 147, 148, 294(b), 302 and 506(ii) of IPC, in connection with Crime No.198 of 2024 on the file of the respondent-police.

3.The case of the prosecution is that the deceased was the brother-in-law (wife's brother) of the first accused. He operated a gym under the name "Indian Tiger Fitness Centre". The deceased's father passed away, leaving behind his three daughters and the deceased as legal heirs. The three daughters and the deceased had shares in the



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inherited property, but the deceased refused to partition it. Consequently, on 11.05.2024, at about 10:00 p.m., the petitioners, along with other accused persons, unlawfully assembled with deadly weapons, and attacked him with knife and aruval, thereby committing murder. Hence, the case.

4. Mr.N.Pragalathan, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioners will not abscond in future and will appear before the Trial Court for trial. Hence, he prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that due to property dispute between A1 and the deceased, the petitioners, along with A1, committed this offence. He further submits that the investigation has been completed and the charge sheet has been filed before the concerned Court. He further submits that the case has been committed to the Sessions Court and the same has been taken on file in S.C.No.213 of 2024 before the learned II Additional District and Sessions Judge, Thoothukudi. He further submits that the case is posted for trial on 13.03.2025. Hence, he vehemently opposes to grant bail to the petitioners.



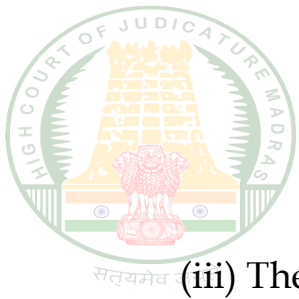
6. Heard on both sides. This Court has perused the records.

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7. The petitioners were arrested and have been in judicial custody since 12.05.2024. since the charge sheet has been filed before the concerned Court and the same has been taken on file in S.C.No.213 of 2024, this Court is of the view that the further custody of the petitioners may not be required at this stage. On perusing the records, it also reveals the fact that the petitioners have permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned II Additional District and Sessions Judge, Thoothukudi;

(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 II Additional District and Sessions Judge, Thoothukudi, shall obtain a copy of any one of identity proofs to ensure their identity;



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

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners 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 petitioners shall also not directly or indirectly cause threat to the family of the deceased, the defacto complainant and the witnesses;

(vii) The petitioners shall furnish their residential address and mobile number to the learned II Additional District and Sessions Judge, Thoothukudi;

(viii) The petitioners shall appear and sign before the II Additional District and Sessions Judge, Thoothukudi weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders. The petitioners shall appear before the trial Court on all hearing dates as and when their appearance is required;

(ix) On breach of any of the aforementioned conditions, the learned II Additional District and Sessions Judge, Thoothukudi 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.

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Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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07/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PERUANI, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2537[I] dated 07/03/2025)



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ORDER

IN

CRL OP(MD) No.2796 of 2025

Date :07/03/2025

NBF/SAR/ (07/03/2025) 7P/6C

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