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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3489 of 2025

Ramesh,
S/o Murugesan,
D.No.24/3045,
Maduraiveeran Colony,
Thiruvalluvar Nagar West Street,
Melapattam Karisalkulam Panchayat,
Rajapalayam Taluk,
Virudhunagar District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No. 379/2024.

... Respondent/ Complainant

For Petitioner : Mr.T.Indrachithu,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



PRAYER :-

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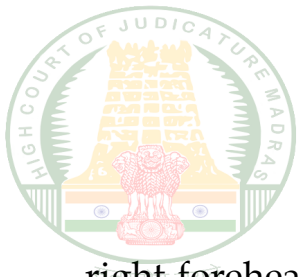
For Bail in Crime No.379 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 24.11.2024 for the offences punishable under Sections 103(1), 305(a) of BNS, 2023 @ 332(a), 103(1), 305(a), 317(5) of BNS, 2023, in Crime No.379 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the deceased, Jeevarathinammam, the mother-in-law of the defacto complainant, was under her maintenance. On 24.11.2024, at about 8:00 a.m., the defacto complainant came to know that the deceased was lying unconscious in her house situated at Rajapalayam, Thiruvalluvar Nagar. When she and others lifted her and placed her on the cot, they found that the deceased had already died. They also observed marks on her neck and injuries on her



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right forehead. Additionally, the jewels worth about Rs.4,35,000/- that she had been wearing were missing. Hence, the defacto complainant lodged a complaint with the respondent-police. During the investigation, it was revealed that the petitioner and other accused had murdered the deceased. Hence, the case.

4. Mr.T.Indrachithu, the learned counsel appearing for the petitioner, submits that a false case has been foisted against the petitioner and the petitioner did not commit any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 24.11.2024. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation has been completed and the respondent-Police is going to file a charge sheet very soon before the concerned Court. He further submits that there are two previous cases pending against the petitioner. He further submits that, if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and witnesses. Hence, 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 petitioner was arrested and remanded to judicial custody on 24.11.2024.

The petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and the change of circumstances and taking note of the fact that there are two previous cases against the petitioner 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:

(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, Rajapalayam, Virudhunagar District;

(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, Rajapalayam, Virudhunagar District shall obtain a copy of any one of identity proofs to ensure their identity;



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

(iv) The petitioner shall not enter into the residence of the defacto complainant;

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

(vi) The 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;

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Rajapalayam, Virudhunagar District;



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(ix) The petitioner shall appear and sign before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District on all working days at 10.30 a.m., and 05.00 p.m., until further orders; and

(x) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Rajapalayam, Virudhunagar District 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/-
25/02/2025

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25/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg

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TO
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- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE OFFICER INCHARGE,
VIRUDHUNAGAR DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3489 of 2025
Date :25/02/2025

ES/SAR /25.02.2025/7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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