



CRL OP(MD). No.3382 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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A.Mathalai Muthu @ Vazhakatta Thangam

... Petitioner/ A11

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
Crime No.85/2018.

... Respondent/Complainant

For Petitioner : Mr.S.Sarvagan Prabhu,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To release the petitioner on bail in S.C No. 132 of 2024 in Crime No.85/2018 on the file of the learned Additional District and Sessions Judge, Dindigul.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 20.02.2025



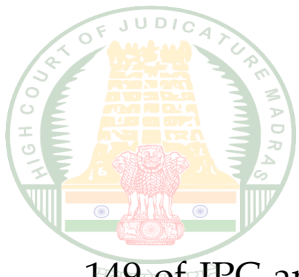
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under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
grant bail.

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2. The petitioner/Accused No.11 was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 23.01.2025. The petitioner is facing trial in S.C No.132 of 2024 on the file of the learned Additional District and Sessions Judge, Dindigul for the offences punishable under Sections 302, 120(B) and 109 of IPC in connection with Crime No.85 of 2018 on the file of the respondent-Police.

3. The case of the prosecution is that the deceased was the son of the defacto complainant. Accused Nos.2 to 13 are close relatives. Accused No.1 had a love affair with one Geethalakshmi, the daughter of the defacto complainant. The deceased Sakthivel and one Datchnamoorthi are the siblings of Geethalakshmi. The deceased Sakthivel and Datchnamoorthi objected to the love affair between Accused No.1 and their sister Geethalakshmi. As a result, Geethalakshmi committed suicide. Due to this, Accused No.1 held a grudge against the brothers of Geethalakshmi. Subsequently, Accused No.1 along with other accused persons conspired and murdered the deceased on 28.01.2018. Based on the complaint preferred by the defacto complainant, the respondent-Police registered a case in Crime No.85 of 2018 for the offences punishable under Sections 147, 148, 341 302, 506(ii), 120(B), 109 and



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149 of IPC and the respondent-Police filed a final report before the concerned Court on 20.04.2018 and the same was committed to the Sessions Court, Dindigul in S.C.No.132 of 2024 and the same is pending before the learned Additional District and Sessions Judge, Dindigul.

4. Mr.S.Sarvagan Prabhu, learned counsel appearing for the petitioner, submits that the petitioner was convicted in S.C.No.36 of 2018 and he was in prison. Since the prison authorities failed to produce the petitioner before the trial Court in S.C.No.132 of 2025, the learned Trial Judge issued a Non Bailable Warrant against the petitioner on 02.01.2025. The petitioner was formally arrested on 23.01.2025 through the Prisoner Transit Warrant. He further submits that In fact, the petitioner was confined in the Central Prison, Madurai, serving a life sentence following the conviction in S.C.No.36 of 2018, passed by the learned Additional District and Sessions Judge, Dindigul, on 15.11.2022. As against which, the petitioner preferred appeal before this Court in Crl.A.(MD).No.137 of 2023 and the said appeal was allowed and the petitioner was acquitted for the charges levelled against him by the judgement dated 30.01.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) appearing for the respondent-police, submits that there are eight previous cases against the petitioner, out of which six cases are disposed of and two case are



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pending. He further submits that the petitioner did not appear before the trial Court and hence, non bailable warrant was issued against the petitioner on 02.01.2025. Hence, the petitioner was produced before the Court through Prisoner Transit Warrant and arrested formally in this case on 23.01.2025 through Prisoner Transit Warrant. He however opposes to grant bail to the petitioner.

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

7. It is stated that the petitioner was already in judicial custody for life conviction in S.C.No.36 of 2018 on the file of the learned Additional District and Sessions Judge, Dindigul. Hence, he could not appear before the trial Court on 02.01.2025. Hence, the absence of the petitioner on 02.01.2025 cannot be termed as willful and wanton. The petitioner was formally arrested in this case on 23.01.2025. On perusing the records, it reveals the fact that the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same and with a view to give one more opportunity 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 Additional District and



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Sessions Judge, Dindigul;

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

(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 commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(v) 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;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Additional District and Sessions Judge, Dindigul;

(vii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Dindigul on all working days at 10.30 a.m., until further orders and on all hearing dates when the when the Court requires his appearance; and

(viii) On breach of any of the aforementioned conditions, learned Additional



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District and Sessions Judge, Dindigul, 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].

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

sd/-
24/02/2025

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24/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DINDIGUL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-1994[I] dated 24/02/2025)



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ORDER
IN
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Date :24/02/2025

SA/SAR. /24.02.2025/7P/6C

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