



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4020 of 2025

Iyyappan

... Petitioner/Sole accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Manachanallur Police Station,
Trichy District.
Crime No.278 of 2024.

... Respondent/Complainant

For Petitioner : Mr.K. M.Karunakaran

For Respondent : Mr.R.Meenakshi Sundaram,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.278 of 2024 on the file of the respondent-police.



ORDER: The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 28.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 08.12.2024 for the alleged offences punishable under Section 194(3)(iv) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 @ Sections 105 and 85 of Bharatiya Nyaya Sanhita (BNS), 2023 @ Sections 85 and 103(1) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.278 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, who is the son-in-law of the defacto complainant, had an illicit relationship with another woman, which led to frequent quarrels between him and his wife (since deceased) over the past six months. Further, the deceased had been receiving treatment for headaches for the past three years, and the doctors had advised her to avoid noisy environments, audio, and shocking details. On 27.11.2024, at about 9:00 p.m., there was a quarrel between them due to this issue. The following day, i.e., 28.11.2024, the deceased experienced severe headache and body pain, following which she was admitted to the hospital and later died. A complaint has, therefore, been lodged.



WEB COPY

4. Mr.K. M.Karunakaran, the learned counsel appearing for the petitioner submits that this is the second bail application filed by the petitioner. He further submits that the petitioner is an innocent person, and he has not committed the offence as alleged by the prosecution, and a false case has been foisted against the petitioner. He further submits that the deceased had been receiving treatment for headaches at Dhanalakshmi Srinivasan Hospital, Samayapuram, for the past three years, and that she died only due to her illness. In fact, the petitioner had been taking care of the deceased. He further submits that the petitioner has been in judicial custody since 08.12.2024. He further submits that the petitioner is ready to abide by the conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that already, there was a dispute between the petitioner and the deceased and that petitioner had committed the murder of his wife. He further submits that the investigation is incomplete and hence, if this Court grants bail to the petitioner, he may cause threat to the defacto complainant and witnesses and thereby delay the trial proceedings. Accordingly, he



prays to dismiss this Criminal Original Petition.

WEB COPY

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

7. The petitioner was arrested and has been in judicial custody since 08.12.2024.

Considering the same and also considering the nature of offences alleged against the petitioner and the period of incarceration and taking note of the fact that the investigation is complete, 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 No.III, Trichy;

(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 No.III, Trichy, 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;

WEB COPY

(iv) The petitioner shall not commit an offence similar to the offence of which 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 Judicial Magistrate No.III, Trichy;

(vii) The petitioner shall stay at Thanjavur and shall appear and sign before the Inspector of Police, Thanjavur Taluk Police Station, Thanjavur, daily at 10.00 a.m. and 5.30 p.m., until further orders;

(viii) The petitioner shall not enter into Vadakkipatti Village, Poonampalayam Post, Manachanallur Taluk, Trichy until further orders;

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Trichy, 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
WEB COPY
SCC 283].

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

sd/-
04/03/2025

/ TRUE COPY /

04/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE JUDICIAL MAGISTRATE NO.III,
TRICHY.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION, THANJAVUR.

5 THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION,
TRICHY DISTRICT.

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

<https://www.hmc.tn.gov.in/judis>



MADURAI.
WEB COPY

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2392[I] dated 04/03/2025)

ORDER
IN
CRL OP(MD) No.4020 of 2025
Date :04/03/2025

NBF/SAR/ (04/03/2025) 7P/8C

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