



CRL OP (MD). No.4122 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sathish @ Satheesh,
S/o.Muniraj,
D No.129/1208,
Soundarapandi Nagar,
South Malaiyadipatti Village,
Rajapalayam Taluk,
Virudhunagar District.
Now
Residing At
Door No.70, Boopalpatti Street,
Rajapalayam Town,
Rajapalayam Taluk,
Virudhunaga District.

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
Crime No.220/2022.

... Respondent/ Complainant



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For Petitioner : Mr.D.Rajaboopathy,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.220 of 2022 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 03.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 30.11.2024 for the offences punishable under Sections 302 and 380 of IPC @ Sections 120B, 302, 34 and 380 of IPC, in Crime No.220 of 2022, on the file of the respondent-Police.

3. The case of the prosecution is that on 16.07.2022, at about 06.00 p.m., one

Rukmani contacted the defacto complainant and informed that bad odour was



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coming from the house of the defacto complainant's sister and brother-in-law. At about 07.00 p.m., on the same day, when the defacto complainant went to the place and opened the house, he found his sister and brother-in-law lying dead. Hence, the case.

4. Mr.D.Rajaboopathy, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and that a false case has been foisted against him. He further submits that the petitioner has been arrested only on suspicion and is in no way connected with the crime. He further submits that the respondent-police have concluded the investigation and filed a charge sheet before the concerned court on 19.02.2025, and therefore, the further custody of the petitioner may not be required for investigation. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in incarceration since 30.11.2024. Therefore, he prays for granting of bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the offence committed by the petitioner is grave in nature. He further submits that if bail is granted to the petitioner, he will abscond, cause threat to the defacto complainant and witnesses and thereby, delay the trial proceedings. He further submits that there are two



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previous cases against the petitioner. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the cumulative circumstances, the period of incarceration and the fact that the investigation has been completed, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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 [out of which one surety shall be the blood relative] 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 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 Judicial Magistrate, Rajapalayam, Virudhunagar District;

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

(viii) The petitioner shall appear and sign before the respondent-police daily at

10.30 a.m., and 05.00 p.m., until further orders; and



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(ix) On breach of any of the aforementioned conditions, the 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/-
05/03/2025

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05/03/2025

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

TSG

TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM VIRUDHUNAGAR DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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4 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-2407[I] dated 05/03/2025)

ORDER
IN
CRL OP(MD) No.4122 of 2025
Date :05/03/2025

SS/SAR- /05/03/2025/ 7P/7C

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