



CRL OP(MD) No.3875 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Ragubathi

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruvaikulam Police Station,
Thoothukudi District.
Crime No.85 of 2024

... Respondent/Complainant

For Petitioner : Ms.P.Krishnaveni

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.85 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 26.02.2025 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



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on 06.09.2024 for the alleged offences punishable under Sections 103(1) of Bharatiya
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Nyaya Sanhita (BNS), 2023 in Crime No.85 of 2024 on the file of the respondent-
police.

3. The case of the prosecution is that on 06.09.2024, at about 7.00 a.m., following the information from the defacto complainant's assistant that a deceased person was found at Tharuvaikulam Beach Fish Market, the defacto complainant, Village Administrative Officer, proceeded to the location at about 7:45 a.m. and found the body. The defacto complainant then filed a complaint with the respondent-police. Upon inquiry, it was revealed that the petitioner had attacked the deceased with cement bricks, causing a fatal head injury, and thereby committed murder. Hence, this case.

4. Ms.P.Krishnaveni, the learned counsel appearing for the petitioner, submits that the alleged offence took place only due to the sudden provocation. She further submits that the investigation is complete, the respondent-police filed the Final Report, the case has been committed to Sessions Court and the learned Sessions Judge took cognizance in S.C.No.68 of 2025. She further submits that the petitioner has been in judicial custody since 06.09.2024 and he has no previous case. She therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public



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Prosecutor appearing for the respondent-police, submits that the case is posted for trial before the Session Court. In this circumstances, if the petitioner is granted bail, he may abscond, threaten the defacto complainant and witnesses and thereby, cause a delay to the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Admittedly, the case is posted for trial. The petitioner has been incarceration for the past 175 days i.e., from 06.09.2024 . The petitioner has no previous case. Considering the same and also considering the nature of offences alleged against the petitioner and also considering the period of incarceration and the stage of the case, 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, Ottapidaram;

(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



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Practice, 2019']. The learned Judicial Magistrate, Ottapidaram, shall obtain a copy of
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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 which he is accused, or suspected, of the commission of which he is suspected;

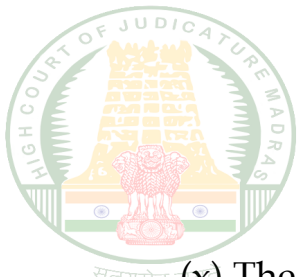
(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

(vii) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

(viii) The petitioner shall appear and sign before the learned Judicial Magistrate, Ottapidaram, on all working days at 10.30 a.m., until further orders;

(ix) The petitioner shall appear before the trial court on all hearing dates whenever required by the Court;



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

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Ottapidaram 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/-
28/02/2025

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28/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO
1 THE JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYANKOTTAI.

4 THE INSPECTOR OF POLICE,
THIRUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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



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

+2 CC to M/s.P.KRISHNAVENI, Advocate (SR-2239[I] dated 28/02/2025)

ORDER IN
CRL OP(MD) No.3875 of 2025
Date :28/02/2025

SA/SAR. /28.02.2025/6P/8C

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