



CRL OP (MD) No.4455 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Rajadurai,
S/o.Boominathan,
Mumudichathan,
Ramanathapuram.

... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.846/2024

... Respondent/Complainant

For Petitioner : Mr.G.R.Satish,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :-

For Bail in Crime No.846 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 07.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ accused (rank not known) was arrested and remanded to judicial custody on 26.12.2024 for the offences punishable under Sections 191(2), 191 (3), 118(1), 109, 103 of BNS, 2023 and Section 4 of TNPWH Act, 2002, in Crime No.846 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 19.12.2024, at about 08.00 p.m., when the defacto complainant was returning back to his home along with her son after closing the flower shop, near Melavaniyamkudi, five unknown accused persons came in a car and murdered her son by using sickle and other deadly weapons and also assaulted the defacto complainant, due to which she sustained grievous injury.

Hence, the complaint.



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4. Mr.G.R.Satish, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 26.12.2024. Therefore, he prays for granting bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that there are totally thirteen accused persons in this case. He further submits that there is no previous case pending against the petitioner. He further submits that if the petitioner is enlarged on bail, he may cause threat to the defacto complainant and other witnesses and thereby, delay the investigation. Accordingly, he strongly opposes to grant bail to the petitioner.

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

7.It is noted that this is the second bail application, and the earlier bail application was dismissed by this Court on 19.02.2025, considering the fact that the investigation was at the nascent stage.



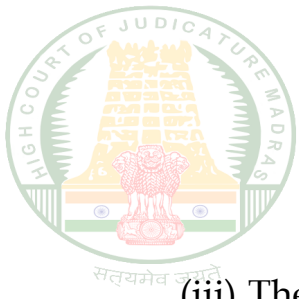
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8. Considering the above, and also considering the overt act attributed against the petitioner and the fact that the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding, and taking note of the period of incarceration suffered by the petitioner and the fact that there is no previous antecedents, and with a view to give an 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 each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Additional Mahila Judge (Magistrate Level), Sivagangai;

(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 Mahila Judge (Magistrate Level), Sivagangai, 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 not directly or indirectly cause any threat to the defacto complainant and the witnesses, and shall not try to contact the defacto complainant either directly or through any electronic mode;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Additional Mahila Judge (Magistrate Level), Sivagangai;

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

10.00 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 Additional Mahila Judge (Magistrate Level), Sivagangai, 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].

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

sd/-

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

TSG

TO

1 THE ADDITIONAL MAHILA JUDGE
(MAGISTRATE LEVEL), SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.



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3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

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

+1 CC to M/s.G.R.SATISH, Advocate (SR-2883[I] dated 17/03/2025)

ORDER
IN

CRL OP(MD) No.4455 of 2025
Date :17/03/2025

SS/SAR- /17/03/2025/ 7P/7C

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