



CRL.OP (MD) No.5363 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 23.04.2025

Pronounced on : 29.04.2025

COROM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.5363 of 2025

Bharath Vignesh Kumar

... Petitioner / Accused No.3

Vs.

The State represented by
The Inspector of Police,
SIPCOT Police Station,
SIPCOT, Tuticorin.
(Crime No.289 of 2023)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in the case in S.C.No.72 of 2024 pending on the file of the learned Sessions Judge, Mahalir Court, Tuticorin, in connection with Crime No.289 of 2023 on the file of the respondent-police.

For Petitioner : Mr.Niranjan S.Kumar,
Advocate.

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



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 20.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 04.11.2023 for the alleged offences punishable under Sections 147, 148, 452, 302, 506(2), 120B, 114 and 34 of Indian Penal Code, 1860, in Crime No.289 of 2023 on the file of the respondent-police. After investigation, the charge sheet has been filed and the same was taken on file by the learned Sessions Judge, Mahalir Court, Tuticorin in S.C.No.72 of 2024.

3. The case of the prosecution is that the defacto complainant is a daily wage labourer, and his wife is employed in a supermarket. Their son is working in a private company, and their daughter is pursuing her degree while residing with the defacto complainant's brother-in-law. The defacto complainant's son was in love with a girl named Karthiga, daughter of Muthuramalingam. The defacto complainant approached Karthiga's parents with a marriage proposal on behalf of his son, but the proposal was rejected by them. On 30.10.2023, the defacto



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complainant's son arrived with Karthiga, and subsequently, the defacto complainant went to their native place, Kovilpatti, where the marriage between his son and Karthiga was solemnized. Thereafter, Karthiga's maternal uncle contacted the defacto complainant, demanding that Karthiga be returned to them. However, Karthiga refused to go back. With time, the situation seemed to have normalized, and the defacto complainant relocated to Tuticorin to lead a peaceful life. Upon learning this, the accused persons began monitoring the movements of the defacto complainant and his family. Hoping for a peaceful resolution, the defacto complainant attempted to initiate a dialogue with Karthiga's parents. However, shockingly, on 02.11.2023, the accused persons unlawfully trespassed into the defacto complainant's residence, where he was present with his son and daughter-in-law, and brutally assaulted both of them in his presence. Tragically, both his son and daughter-in-law succumbed to the assault and died on the spot. Hence, the case.

4. Mr.Niranjan S.Kumar, learned counsel appearing for the petitioner, submitted that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submitted that the charge sheet has been filed by the respondent-police and cognizance has been taken by the competent court. The delay on the part of the respondent-police in completing the

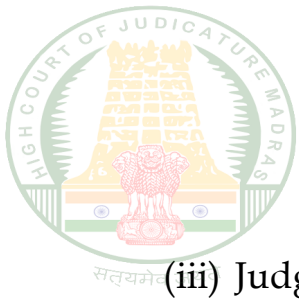


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investigation, and the consequent burden upon the trial court, has severely affected the petitioner's constitutional right to life and personal liberty guaranteed under Article 21 of the Constitution of India. He further submitted that, except for the petitioner, all the other accused have been granted bail either by this Court or by the Trial Court. Though there are a few criminal cases pending against the petitioner, he has been co-operating with the proceedings and has not deviated from the terms imposed. He further submitted that in this case charges were framed on 20.09.2024 and the case is posted for the trial and, therefore, there is no possibility of the trial being completed in the near future. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioner. In support of his submissions, he relied on the following judgments:-

- (i) Judgment of the Hon'ble Supreme Court of India in Union of India -vs- K.A.Najeeb in Criminal Appeal No.98 of 2021 (Arising out of Special Leave Petition (Crl.) No.11616 of 2019)
- (ii) Judgment of the Hon'ble Supreme Court of India in Javed Gulam Nabi Shaikh -vs- State of Maharashtra and Another in Criminal Appeal No.2787 of 2024 (Arising out of Special Leave Petition (Crl.) No.3809 of 2024)



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(iii) Judgment of the Hon'ble Supreme Court of India in Mahipal -vs- Rajesh Kumar and Ors. reported in MANU-SC/1677/2019.

(iv) Judgment of the Hon'ble Supreme Court of India in Prabhakar Tewari -vs- State of Uttar Pradesh and Another reported in (2020) 11 SCC 648.

(v) Judgment of the Hon'ble Supreme Court of India in Balwinder Singh -vs- State of Punjab and Another in Petition(s) for Special Leave to Appeal (Crl.) No(s).8523 of 2024.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submitted that the petitioner and others committed double murder. He further submitted that there are 8 previous cases against the petitioner, out of which one relates to the offences punishable under 302 of Indian Penal Code, 1860 and another case relates to the offences punishable under 307 of Indian Penal Code, 1860. He further submits that at this stage, if the bail is granted to the petitioner, the petitioner will cause threat to the defacto complainant and will also abscond, thereby delaying the trial proceedings. Accordingly, he strongly opposes to grant bail to the petitioner.



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6. Heard on both sides and perused the records.

7. The earlier bail application in Crl.O.P(MD) No.21535 of 2024 was dismissed on 18.12.2024. The relevant portions are extracted hereunder:-

“2. It is brought to the notice of this Court that the charges have been framed and the case is now posted for trial on 27.01.2024.

3. Considering the fact that the case involves honour killing where the sister of the petitioner and the boy were done to death and also taking note of the fact that there are 8 previous cases against the petitioner, out of which, one case is under 302 of IPC and another case is under 307 of IPC, this Court is not inclined to enlarge the petitioner on bail at this stage. There must be some progress in the trial and atleast the eye witnesses should be examined and thereafter, this Court will consider granting bail to the petitioner.

4. Hence, this criminal original petition is dismissed for the present.”

8. A perusal of the records reveals that the petitioner, along with others, brutally attacked the couple with aruval and murdered them in front of the defacto complainant only for the reason that they loved each other and married.



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Furthermore, it is noted that the petitioner has eight previous criminal cases registered against him. In these circumstances, if bail is granted, there is a real and imminent possibility that the petitioner may cause threat to the defacto complainant and other prosecution witnesses. The case laws cited by the learned counsel for the petitioner are not applicable to the facts and circumstances of the present case, as they are distinguishable on facts. In view of the serious nature of the offence allegedly committed by the petitioner, and considering his specific role in the crime, this Court is of the opinion that granting bail at this stage would not be appropriate. There is also a reasonable apprehension that the petitioner may abscond, thereby causing delay in the trial proceedings. For the above reason and as the trial is still at a premature stage, this Court is not inclined to grant bail to the petitioner at this juncture.

9. Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/04/2025

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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To
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- 1.The Sessions Judge,
Mahalir Court,
Tuticorin.
- 2.THE SUPERINTENDENT,
CENTRAL JAIL,
MADURAI.
- 3.The Inspector of Police,
SIPCOT Police Station,
SIPCOT,
Tuticorin.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. NIRANJAN S.KUMAR, Advocate (SR-29428[F] dated 30/04/2025)

ORDER
IN
CRL OP(MD) No.5363 of 2025
Date :29/04/2025

VN/13.05.2025 8P/6C

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