



CRL OP (MD) No.4739 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4739 of 2025

Udaiyar Thalaivar @ Uthayakumar
@ Chinnakumar Raja

... Petitioner/ A2

Vs

The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
Crime No.85/2024

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Advocate
for Mr.K.Prabhu, Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To grant bail for the petitioner / Accused No.2 in S.C.No.166/2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi District.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 11.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 05.04.2024 for the offences punishable under Sections 279 and 304(A) of IPC @ Sections 302 and 109 of IPC, in Crime No.85 of 2024 on the file of the respondent-Police. The final report/charge sheet has been filed before the learned I Additional District and Sessions Judge, Thoothukudi District and the same was taken on file as S.C.No.166 of 2024.

3. The case of the prosecution is that on 01.04.2024, at about 6:30 a.m., the defacto complainant received a phone call from the petitioner, who informed him that the complainant's brother, R.K. Durai, had met with an accident and requested the complainant to come near Ettaiyapuram. Upon arriving at the scene of the incident, the complainant found his brother dead. Consequently, the complainant lodged a complaint with the respondent-police. During the course of the investigation, the respondent-police discovered that the petitioner had obtained a sum of Rs.3,00,00,000 (Rupees Three Crores) from the deceased, R.K. Durai. When the deceased demanded the return of the money, the petitioner allegedly conspired with accused Nos.1 and 3 to eliminate R.K. Durai and stage the incident as an accident. Thereafter, the section of law was altered.

4. Mr.V.Kathirvelu, the learned Senior Counsel appearing for Mr.K.Prabhu, the



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learned counsel for the petitioner, submits that this is a case of an accident, which has been projected as a murder due to a family dispute. He further submits that there is no material to connect the petitioner to this occurrence. He also submits that the trial has commenced, and five witnesses have already been examined. Additionally, he submits that the petitioner has been in incarceration since 05.04.2024, i.e., for more than 11 months, and is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner is none other than the son-in-law of the deceased. This is the fifth bail petition filed by the petitioner, of which three petitions were dismissed by this Court and one was withdrawn by the petitioner. He further submits that the trial has not concluded, and therefore, at this stage, since the petitioner (A2) is a close relative of the deceased, if he is enlarged on bail, he may influence the family members and witnesses. . Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. Both the material and the list of witnesses have been examined. The material witnesses have not supported the case of the prosecution. The other witnesses are only formal and official witnesses. Therefore, there is less possibility of influencing



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the witnesses. To be noted, this view is recorded only for the purpose of deciding the bail petition. This view, in any way, would not cause prejudice to the rights of the prosecution in establishing the case during the trial. On perusal of the records, it is seen that the petitioner has been in judicial custody since 05.04.2024, i.e., for more than 11 months. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the above, 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 I Additional District and Sessions Judge, Thoothukudi 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 I Additional District and Sessions Judge, Thoothukudi District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned I Additional District and Sessions Judge, Thoothukudi District;

(iv) The petitioner shall stay in Madurai and shall appear and report before the



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Inspector of Police, Thallakulam Police Station, daily at 10:00 a.m. and 5:00 p.m. until further orders, after execution of suretyship, except on the dates of hearing before the Trial Court;

(v) The petitioner should not enter into Kovilpatti and Ettayapuram, till the conclusion of trial;

(vi) The petitioner shall appear before the Trial Court on all hearing dates whenever the Court requires his appearance;

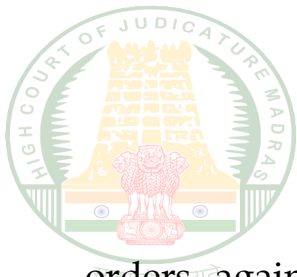
(vii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(viii) 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;

(ix) 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;

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

(xi) On breach of any of the aforementioned conditions, learned I Additional District and Sessions Judge, Thoothukudi District, is entitled to pass appropriate



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orders against the petitioner in accordance with law as if the aforementioned
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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/-
13/03/2025

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14/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE, THALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-2717[I] dated 13/03/2025)



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ORDER

IN

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Date :13/03/2025

RS/IT/SAR-(14.03.2025) 7P 7C

Madurai Bench of Madras High Court is issuing
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