



CRL OP (MD) No.4665 of 2025

WEB COPY

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.4665 of 2025

Mamalaivasan

... Petitioner/ Accused No.13

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.485 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.G.L.Rishwanth
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.485 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 11.03.2025



CRL OP (MD) No.4665 of 2025

under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A13 was arrested and remanded to judicial custody on 06.01.2025 for the alleged offences punishable under Sections 61(2), 115(2), 127(2), 140(1), 103(1) and 238 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.485 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that due to previous motive, on 10.12.2024, Accused Nos.1 to 3, along with other accused persons, strangled the deceased causing death. Accused Nos.1 to 3 voluntarily surrendered before the respondent-police on 12.12.2024, and based on their confession, the petitioner has been arrayed as Accused No.13. Hence the case.

4. Mr.S.G.L.Rishwanth, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, and he has not committed the offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submits that the co-accused persons/A4, A7, & A10 have already been released on bail by this Court *vide* order dated 11.03.2025 made in Crl.O.P(MD).



CRL OP (MD) No.4665 of 2025

No.4242 of 2025. He further submits that the petitioner was arrested and has been in judicial custody since 06.01.2025, i.e., for more than 65 days. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that based on the confession of A1 to A3, the petitioner has been arrayed as Accused No.13, and that one of the co-accused/A10 in this case is still absconding. He further submits that the investigation is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, cause threat to the family members of the deceased, and delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 06.01.2025, and has been in judicial custody for more than 65 days. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding.



CRL OP (MD) No.4665 of 2025

WEB COPY

Considering the same, and also considering the nature of offences alleged against the petitioner, the period of incarceration and the fact that the co-accused persons/A4, A7 & A10 has already been released on bail by this Court *vide* order dated 11.03.2025 made in CrI.O.P(MD) No.4242 of 2025, and also with a view to give an opportunity to the petitioner to reform himself, 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, Manamadurai, Sivagangai 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, Manamadurai, Sivagangai 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 Judicial Magistrate, Manamadurai, Sivagangai;



CRL OP (MD) No.4665 of 2025

WEB COPY

(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

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

(vi) 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;

(vi) 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;

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

(viii) On breach of any of the aforementioned conditions, the learned Judicial



CRL OP (MD) No.4665 of 2025

WEB COPY

Magistrate, Manamadurai, 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].

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

sd/-
13/03/2025

/ TRUE COPY /

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 JUDICIAL MAGISTRATE
MANAMADURAI, SIVAGANGAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.



CRL OP (MD) No.4665 of 2025

WEB COPY

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

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-2737[I] dated 13/03/2025)

ORDER

IN

CRL OP(MD) No.4665 of 2025

Date :13/03/2025

SS/SAR- /14/03/2025/ 7P/7C

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