



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5040 of 2025

Thangaraj

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Keelasevalpatti Police Station,
Sivagangai District.
Crime No.2 of 2025

... Respondent/Complainant

For Petitioner : Mr.G.Hari Haran
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.2 of 2025 on the file of the respondent - Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 17.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 15.01.2025 for the alleged offences punishable under Section 194(3)(iv) of BNSS, 2023 @ Section 103(1) of BNS, 2023 in Crime No.02 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 14.01.2025, at about 8:30 p.m., the defacto complainant, the Village Administrative Officer, based on information received from the Village Assistant, learnt that the petitioner's son, Rooban, had committed suicide by hanging himself. Thereafter, the defacto complainant visited the scene of the occurrence and found that the body of the deceased, Rooban, was lying on the floor, with blood injuries on his chest, mouth, and nose. Upon investigation, it was noticed that there had been a scuffle between the deceased and his father, the petitioner herein, on the evening of the previous day. Initially, the case was registered as an unnatural death under Section 194(3)(iv) of BNSS, 2023, and thereafter, the petitioner's name was implicated in this case, and the section was altered to Section 103(1) of BNS, 2023. Hence, the case.

4. Mr.G.Hari Haran, the learned counsel appearing for the petitioner, submits



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that the petitioner is an innocent person, has not committed any offence as alleged by the prosecution, and has been falsely implicated in this case. He further submits that the deceased, under the influence of alcohol, attacked the petitioner and his wife, and at that time, there was only a clash between them. He further submits that thereafter, the deceased escaped from the place and hanged himself, and therefore, the petitioner has no connection with his son's death. He also submits that no suicide note was recovered from the deceased, and the respondent police, without conducting a proper enquiry, implicated the petitioner in this case and arrested him. He further submits that the petitioner has been in judicial custody since 15.01.2025 and 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 the deceased is none other than the son of the petitioner. He further submits that since there was a scuffle between the deceased and the petitioner on the evening of the previous day, and injuries were found on the body of the deceased, there is suspicion surrounding the petitioner. He also submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond and delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.



6. Heard on both sides. This Court has perused the records including the confession statement of the petitioner.

7. The petitioner was arrested and remanded to judicial custody on 15.01.2025, and he has been in judicial custody i.e., for more than 60 days. In view of the overt act of the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case and the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif - cum - Judicial Magistrate, Thiruppathur, 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 District Munsif - cum - Judicial Magistrate, Thiruppathur, Sivagangai District shall obtain a copy of any one of identity proofs to



ensure their identity;

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(iii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif - cum - Judicial Magistrate, Thiruppathur, Sivagangai District;

(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;

(vii) 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;

(viii) The petitioner shall not directly or indirectly any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned District Munsif - cum - Judicial Magistrate, Thiruppathur, Sivagangai District 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
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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/-
19/03/2025

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19/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE, KEELASEVALPATTI POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

CRL OP(MD) No.5040 of 2025

Date :19/03/2025

NBF/SAR/ (19/03/2025) 7P/6C

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