



CRL OP (MD) No.5690 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5690 of 2025

1.Selvakumar

2.Mathan

3.Marimuthu

... Petitioners/ Accused Nos.6 to 8

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Pudukkottai Police Station,
Thoothukudi.
Crime No.370 of 2024

... Respondent/Complainant

For Petitioners : Mr.P.Samuel Gunasingh
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.370 of 2024 on the file of the respondent-police.



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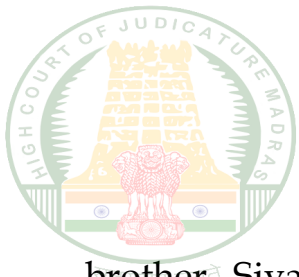
ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 25.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The first petitioner/A6 was arrested and remanded to judicial custody on 09.12.2024, the second petitioner/A7 was arrested and remanded to judicial custody on 05.01.2025 and the third petitioner/A8 was arrested and remanded to judicial custody on 10.12.2024 for the alleged offences punishable under Sections 126(2), 296(b), 109(1), 103(1) & 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 altered into Sections 49, 61(2), 249(a), 3(5), 126(2), 296(b), 109(1), 103(1) & 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.370 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that there was a previous dispute between one Rajesh and the defacto complainant's brother, Vellaikannu, regarding an attack, and the petitioner's brother was arrested and subsequently enlarged on bail. While this was the situation, on 03.12.2024, at about 09:15 a.m., when the defacto complainant's brother was standing in a workshop near Kootampuli Bazar, the accused persons, who are friends of the said Rajesh, attacked the defacto complainant's brother with an aruval, causing grievous injuries. While the defacto complainant and his other



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brother, Sivaperumal, were trying to intervene, the accused persons also attacked them. The defacto complainant's brother, Vellaikannu, succumbed to his injuries. Hence the case.

4. Mr.P.Samuel Gunasingh, learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution and that they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that in this case, the charge sheet has been filed, and the same is pending in P.R.C.No.17 of 2025 on the file of the learned Judicial Magistrate No.III, Thoothukudi. He further submits that the first petitioner has one previous case, and petitioners 2 and 3 have no previous cases. He however submits that if the petitioners are enlarged on bail, they will cause threat to the defacto complainant and his family members. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. According to the prosecution, the petitioners and other accused conspired



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together and caused the murder of the defacto complainant's brother. The first petitioner/A6 was arrested and remanded to judicial custody on 09.12.2024, the second petitioner/A7 was arrested and remanded to judicial custody on 05.01.2025, and the third petitioner/A8 was arrested and remanded to judicial custody on 10.12.2024. It is to be noted that the names of the petitioners do not find a place in the First Information Report. In this case, the investigation has been completed, the charge sheet has been filed, and the same is pending in P.R.C.No.17 of 2025 on the file of the learned Judicial Magistrate No.III, Thoothukudi. Further, the second and third petitioners are first-time offenders. In view of the role allegedly played by the petitioners in the crime, the period of incarceration, and the stage of the case, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 No.III, Thoothukudi;

(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



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Practice, 2019']. The learned Judicial Magistrate No.III, Thoothukudi shall obtain a
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copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.III, Thoothukudi;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate No.III, Thoothukudi on all working days at 10.30 a.m., until further orders;

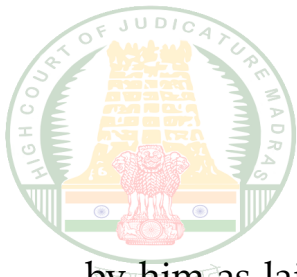
(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Thoothukudi is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed



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by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala

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[(2005) 13 SCC 283].

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

sd/-
27/03/2025

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

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TO

- 1 THE JUDICIAL MAGISTRATE III
THOOTHUKUDI.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
PUDUKOTTAI P.S.,
THOOTHUKUDI.

<https://www.mhc.tn.gov.in/judis>



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

ORDER
IN
CRL OP(MD) No.5690 of 2025
Date :27/03/2025

HPS/SAR / 27.03.2025/7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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