



CRL OP (MD) No.5963 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5963 of 2025

Durairaj

... Petitioner/ Accused No.6

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No.10 of 2025)

... Respondent/Complainant

For Petitioner : Mr.Ka.Raamakrishnan
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.10 of 2025 on the file of the respondent-Police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.6 was arrested and remanded to judicial custody on 23.01.2025 for the alleged offences punishable under Sections 296(b) & 103 of BNS, 2023 altered into Sections 191(2), 191(3), 296(b), 103 & 61(2) of BNS, 2023, in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a dispute between the friends of the defacto complainant's son and A1, regarding the Jallikattu event involving a cow belonging to the defacto complainant's son, namely Sasikumar while he was in Singapore. Upon returning to his hometown, the defacto complainant's son, along with his friends, went to the Kumbabishekam festival at Illaiyathankudi, where a scuffle broke out between the defacto complainant's son and his friends and A1 and his friends. However, the police intervened and pacified the situation, causing all of them to disperse. Out of vengeance, on 22.01.2025, at about 08:00 p.m., while the



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defacto complainant's son was at home, A1 and A2, along with the petitioner and other accused persons, went to the defacto complainant's house, attacked his son with a sword, and murdered him. Hence, the case.

4. Mr.Ka.Ramakrishnan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has been falsely implicated in this case. He further submits that only based on the confession of co-accused persons, the petitioner has been arrayed as A6. He further submits that the petitioner has been in judicial custody since 23.01.2025. He also submits that the petitioner was not involved in any other case except this one and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner and other accused persons conspired together and committed the murder of the defacto complainant's son and that the investigation of the case is still pending. He further submits that the petitioner has no previous cases. However, he submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant, the other family members



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of the deceased, and other witnesses. Accordingly, he prays to dismiss this Criminal

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Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report and the confession statement given by A1.

7. According to the prosecution, the petitioner gave a sword to the accused persons to commit the offence. Petitioner has been roped in this case based on the confession of A1. The petitioner was arrested on 23.01.2025 and has been in judicial custody since then. The petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the overt act allegedly committed by the petitioner and the fact that there is no previous case pending against the petitioner and also taking note of 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 Judicial Magistrate, Pudukkottai;



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(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, Pudukkottai 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, Pudukkottai;

(iv) The petitioner shall appear and sign before the respondent – Police daily at 10.00 a.m. and 5.00 p.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



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from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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(viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant, the other family members of the deceased and witnesses, and shall also not try to contact the defacto complainant either directly or through any electronic mode;

(ix) The petitioner shall not directly or indirectly cause any threat to the defacto complainant, the family members of the deceased and the witnesses, and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Pudukkottai 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].



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

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02/04/2025

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

TRP

TO

1 THE JUDICIAL MAGISTRATE
PUDUKKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-3731[I] dated 01/04/2025)



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ORDER
IN
CRL OP(MD) No.5963 of 2025
Date :01/04/2025

SS/SAR- /02/04/2025/ 8P/7C

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