



CRL OP (MD) No.6618 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sivaram

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Represented by Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
Crime No.85 of 2024

... Respondent/Complainant

For Petitioner : Mr.V. Kathirvelu,
Senior counsel
for Mr.K.Prabhu, 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.85 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 07.04.2025
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.1 was arrested and remanded to judicial custody on 05.04.2024 for the offences punishable under Sections 279 and 304(A) of Indian Penal Code, 1860 @ Sections 302 r/w. 109 of Indian Penal Code, 1860, in Crime No.85 of 2024 on the file of the respondent-police. After investigation, the respondent-police filed the final report, and the same was taken on file by the learned I Additional District and Sessions Judge, Thoothukudi, in 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 A2, who informed him that the complainant's brother, R.K.Durai, had met with an accident and requested the defacto complainant to come near Ettaiyapuram. Upon arriving at the scene of the incident, the defacto complainant found his brother dead. Consequently, the defacto complainant lodged a complaint with the respondent-police. During the course of the investigation, the respondent-police discovered that A2 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, A2 allegedly conspired with the petitioner (A1) and A3 to eliminate R.K. Durai and stage the incident as an accident. Thereafter, the section of law was altered.

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



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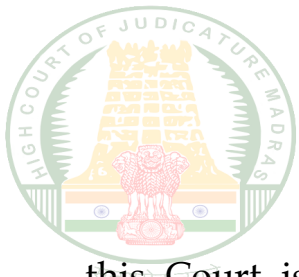
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submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 05.04.2024 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, learned Additional Public Prosecutor appearing for the respondent-police, submits that the trial has commenced and only the official witnesses remain to be examined. He further submits that, at this stage, if the petitioner is enlarged on bail, he may abscond, thereby causing delay in the trial proceedings and may also cause threat to the defacto complainant and his family members. Accordingly, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 05.04.2024 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner and the fact that the trial has commenced and only the official witnesses remain to be examined and taking note of the fact that A2 was already enlarged on bail by this Court vide order dated 13.03.2025 in CrI.O.P. (MD) No.4739 of 2025, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Considering the same and also considering the period of incarceration,



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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 No.II, Kovilpatti;
- (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 No.II, Kovilpatti 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 satisfaction of the learned Judicial Magistrate No.II, Kovilpatti;
- (iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Kovilpatti, on all working days at 10.30 am 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



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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 enter into the defacto complainant's house or workplace;

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

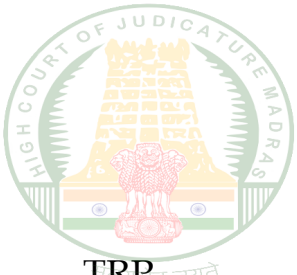
(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Kovilpatti is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
29/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP
TO
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1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

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

+1 CC to M/s.K.PRABHU, Advocate (SR-5141[I] dated 30/04/2025)

ORDER IN
CRL OP(MD) No.6618 of 2025
Date :29/04/2025

SA/SAR. /02.05.2025/6P/7C

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