



CRL OP (MD) No.6778 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2025

PRESENT

The HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.6778 of 2025

Sakthi

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Ponnamaravathi Police Station,
Pudukottai District.
Crime No.300 of 2022

... Respondent/ Complainant

For Petitioner : Dr.R.Alagumani,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioner on bail in the case in S.C.No.83 of 2023 on the file of the learned Sessions Judge, Mahila Court, Pudukottai in connection with Crime No.300 of 2022 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 08.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 03.05.2023. The petitioner is facing trial in S.C.No.83 of 2023 on the file of the learned Sessions Judge, Mahila Court, Pudukottai. The respondent-police initially registered the case against the petitioner in Crime No.300 of 2022 for the offences punishable under Sections 449, 380, and 302 of the Indian Penal Code, 1860. Subsequently, Sections were altered to Sections 120B, 392, 34, 201, 302, 380, and 449 of the Indian Penal Code, 1860.

3. The case of the prosecution is that on 24.12.2022, at about 10:30 a.m., when the defacto complainant went to her house, she allegedly found her husband and mother-in-law lying dead with injuries and bleeding. She also noticed that the gold jewels they had been wearing, as well as the CCTV hard disk, were missing. Hence, the complaint.

4. It is seen that the occurrence took place on 23.12.2022. The First Information

Report was registered on 24.12.2022. The petitioner was arrested on 03.05.2023 (i.e.,
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after the lapse of 130 days after the registration of FIR). Earlier, the petitioner moved a bail application before this Court in Crl.O.P.(MD).No.56 of 2024 and the same was dismissed on 04.01.2024, since the petitioner was detained under Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982 [Act 14 of 1982]. The petitioner filed second bail petition in Crl.O.P.(MD).No.10012 of 2025 and the same was dismissed on 08.07.2024 with a direction to the trial Court to expedite the trial within a period of one month. The petitioner filed third bail application before this Court in Crl.O.P.(MD).No.11649 of 2024 and the same was dismissed on 05.08.2024 with a direction to the trial Court to complete the trial within a period of two months. The petitioner filed fourth application before this Court in Crl.O.P.(MD).No.20177 of 2024 and the same was dismissed on 20.11.2024 with a direction to the trial Court to complete the trial within a period of three months.

5. Dr.R.Alagumani, learned counsel appearing for the petitioner, submits that the trial Court has not completed the trial as per the directions issued by this Court. He further submits that P.W.1 to P.W.14 have been examined in this case till date. He also submits that the petitioner has been in incarceration for the past 665 days and is ready to abide by any conditions that may be imposed by this Court. He therefore



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prays for grant of bail to the petitioner.

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6. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the prosecuting agency has examined P.W.1 to P.W.14. He further submits that the petitioner did not co-operate with the trial Court and that the co-accused have not examined some of the witnesses. He also submits that, in these circumstances, if bail is granted to the petitioner, he may abscond and delay the trial proceedings. He further submits that there is no previous case pending against the petitioner. However, he opposes to grant bail to the petitioner.

7. Heard on both sides and perused the records and the details available on the E-Court Website.

8. On perusing the details available on the E-Court Website, it is seen that the charges were framed on 12.02.2024. The prosecuting agency filed a charge sheet in this case before the concerned Court. It is further seen that totally, there are 38 persons cited as witnesses. On 13.08.2024, before the trial Court, L.W.1 was examined as P.W.1 and M.O.1 to M.O.9 were marked. On 14.08.2024, L.W.6 was examined as P.W.2. On 20.08.2024, L.W.8 was examined as P.W.3. Further, on 18.03.2025, P.W.13 was examined. Today, i.e., on 25.04.2025, the case is posted for examination of the Doctor.



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9. In view of the above, this Court is of the opinion that the possibility of the case being disposed of in the near future is doubtful. Further, the petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and taking note of the incarceration suffered by the petitioner, 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, Thirumayam, Pudukkottai 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, Thirumayam, Pudukkottai District, 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, Thirumayam, Pudukkottai District;

(iv) The petitioner shall appear and sign before the learned Sessions Judge, Mahila Court, Pudukkottai, on all working days at 10.30 a.m., and 05.00 p.m., until



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further orders;

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(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 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 should not change the mobile number without prior permission from the trial Court. The petitioner should keep his mobile phone in a switch on mode;

(ix) The petitioner shall not leave the Sivagangai District without prior permission from the trial court;

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

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumayam, Pudukkottai District, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are



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

sd/-
25/04/2025

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

TSG
TO

1 THE JUDICIAL MAGISTRATE
THIRUMAYAM, PUDUKKOTTAI DISTRICT

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

3 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE INSPECTOR OF POLICE,
PONNAMARAVATHI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

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ORDER
IN
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Date :25/04/2025

HPS/SAR / 28.04.2025/8P/8C

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