



CRL OP (MD) No.6808 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6808 of 2025
& CrI.M.P.(MD)No.5526 of 2025

1.Kannan
2.Muthukumar

... Petitioners/ Accused Nos.4 and 7

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police,
Bodinayakkanur Taluk Police Station,
Theni District.
Crime No.99 of 2025

... Respondent/ Complainant

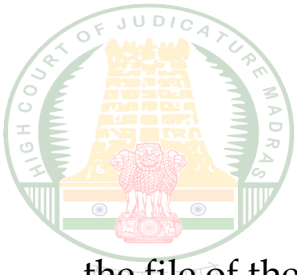
For Petitioners : Mr.M.Gururaj
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

To release the petitioners on bail in S.C.No.7 of 2025 on the file of the learned
Principal District Judge, Theni in connection with the case in Crime No.99 of 2025 on



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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 petitioners on 08.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioners/Accused Nos.4 and 7 were arrested and remanded to judicial custody on 27.03.2025 for the offences punishable under Sections 232(1), 351 (2) and 49 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.99 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to a previous dispute, A4 to A9 (including the petitioners) murdered the defacto complainant's husband on 31.07.2024. In connection with the said incident, an FIR was registered in Crime No.246 of 2024, and the case is currently pending before the Principal District Court, Theni. A4 to A9 (including the petitioners) were enlarged on bail in the said case. Be that as it may, at the instigation of A4 to A9 (including the petitioners), on 24.03.2025, A1 to A3 came to the house of the defacto complainant, when she was present along with her aunt, and threatened her to withdraw the said case and not



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to depose against the accused persons in the murder trial. Hence, the case.

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4. Mr.M.Gururaj, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He further submits that the prosecution's case is a concocted story and that the petitioners have been falsely implicated. He further submits that the petitioners have been in judicial custody since 27.03.2025 and are 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.K.Sanjai Gandhi, learned Government Advocate (Crl. side) appearing for the respondent-police, submits that totally, nine accused persons were involved in this case, and the petitioners herein have been arrayed as A4 and A7. He further submits that the investigation of the case is pending, and therefore, at this stage, if the petitioners are enlarged on bail, they may abscond and cause threat to the defacto complainant and witnesses. Accordingly, he strongly opposes to grant bail to the petitioners.

6. Heard on both sides. This Court has perused the records.



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7. The petitioners were arrested on 27.03.2025 and have been in judicial custody since then. In view of the nature of offences allegedly committed by the petitioners and the period of incarceration suffered by them, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigating Agency in this case. Further, the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and with a view to give one more opportunity to the petitioners to reform themselves, 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.10,000/- (Rupees Ten Thousand only) each 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, Bodinayakanur, Theni 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, Bodinayakanur, Theni District shall



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obtain a copy of any one of identity proofs to ensure their identity;

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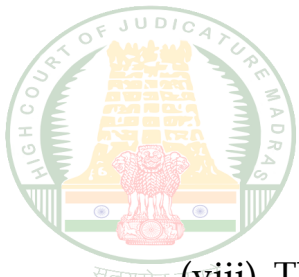
(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Bodinayakanur, Theni District;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate, Bodinayakanur, Theni District 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;



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workplace;

(viii) The petitioners shall not enter into the defacto complainant's house or workplace;

(ix) The petitioners shall not cause any threat to the defacto complainant and 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, Bodinayakanur, Theni District is entitled to pass appropriate orders against the petitioners 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. Consequently, connected Miscellaneous Petition is closed.

sd/-
23/04/2025

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23 /04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKANUR, THENI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION,
THENI DISTRICT.
4. THE OFFICER IN CHARGE
DISTRICT JAIL, THENI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6808 of 2025
Date :23/04/2025

PR/23.04 .2025 7P/6C

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