



CRL OP (MD) No.6880 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6880 of 2025

1.Mariraj
2.Chermakani

... Petitioners/ Accused No.2 & 3

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kovilpatti West Police Station.
Crime No.348 of 2024

... Respondent/ Complainant

For Petitioners : Mr.A.Arun Ramnath
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

To enlarge the petitioners on bail in the case in S.C.No.268 of 2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi in connection with Crime No.348 of 2024 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 petitioners on 09.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioners/ Accused Nos.2 & 3 were arrested and remanded to judicial custody on 20.06.2024 for the alleged offences punishable under Sections 302, 201 & 449 of Indian Penal Code, 1860 in Crime No.348 of 2024 on the file of the respondent-police. After completion of investigation, the respondent-police filed the charge sheet, and the same was taken on file as S.C.No.268 of 2024 by the learned I Additional District and Sessions Judge, Thoothukudi.

3. The case of the prosecution is that the petitioners along with other accused conspired, trespassed into the house of the deceased and murdered him. Hence the case.

4. Mr.A.Arun Ramnath, learned counsel appearing for the petitioners, submits



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that the petitioners did not commit any offence as alleged by the prosecution and that a false case has been foisted against them. He further submits that the petitioners have been in judicial custody since 20.06.2024 and 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, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation has been completed and the charge sheet has been filed in S.C.No.268 of 2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi. He further submits that each of the petitioners has two previous cases registered against them. He also submits that if the petitioners are enlarged on bail, they may abscond, thereby causing delay in the trial, and may also cause threat to the defacto complainant, the family members of the deceased, and the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioners were arrested on 20.06.2024 and have been in judicial

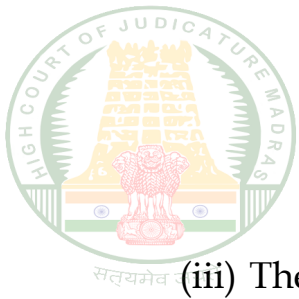


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custody since then. In view of the fact that the investigation has been completed and the charge sheet has been filed in S.C.No.268 of 2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigating Agency in this case. Further, the petitioners have permanent residence, and therefore, there is less of possibility of absconding. Considering the same and also considering the period of incarceration 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 I Additional District and Sessions Judge, 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 Practice, 2019']. The learned I Additional District and Sessions Judge, Thoothukudi shall 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 I Additional District and Sessions Judge, Thoothukudi;

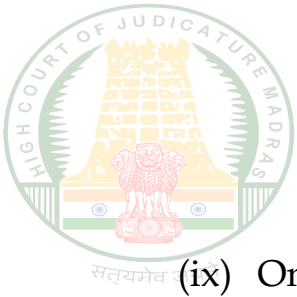
(iv) The petitioners shall stay at Madurai after execution suretyship and shall appear and sign before the Inspector of Police, Anna Nagar Police Station, Madurai daily at 09.00 am and 06.00 pm, until further orders. Further, the petitioners shall appear before the Trial Court on all hearing dates without fail, by informing the Inspector of Police, Anna Nagar Police Station, Madurai, and producing evidence of such appearance;

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



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(ix) On breach of any of the aforementioned conditions, the learned I Additional District and Sessions Judge, Thoothukudi 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.

sd/-
28/04/2025

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

MBI



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TO
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- 1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.
- 2.THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI.
- 4.THE OFFICER-IN-CHARGE,
SUB JAIL, PERURANI,
THOOTHUKUDI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.6880 of 2025
Date :28/04/2025

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