



CRL.OP (MD) No.7053 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 21.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.7053 of 2025

Gopalakrishnan,
S/o.Baskaran

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No.36 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in
Crime No.36 of 2025 on the file of the respondent-police.

For Petitioner : Mr.N.Balasubramanian,
Advocate

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



CRL.OP (MD) No.7053 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 16.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 05.04.2025 for the alleged offences punishable under Sections 281 and 105 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.36 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 20.03.2025, at about 10:00 p.m., the defacto complainant's son, along with one Chinnadurai, had gone to a hotel to buy food on Chinnadurai's two-wheeler bearing Registration No.TN-69-BQ-4731. At that time, a vehicle bearing Registration No.TN-11-A-3782 (Swift Dzire car), driven by the petitioner under the influence of alcohol, collided with the two-wheeler ridden by Chinnadurai and the defacto complainant's son. As a result of the collision, both Chinnadurai and the defacto complainant's son sustained grievous injuries and subsequently succumbed to the same. Hence, the complainant.

4. Mr.N.Balasubramanian, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as



CRL.OP (MD) No.7053 of 2025

WEB COPY

alleged by the prosecution. He further submits that the alleged occurrence took place on 20.03.2025, whereas the petitioner was arrested and remanded to judicial custody only on 05.04.2025. He further submits that there is no eyewitness to the occurrence, that the defacto complainant is the mother of one of the deceased, and that there is no evidence to show how the defacto complainant could state that the petitioner was driving the said car in a drunken condition, as she was not present at the time of the occurrence. He further submits that the petitioner is running a hotel near the police station and that he also sustained serious injuries in the said accident and requires further treatment. He however submits that the petitioner 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.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner had driven his vehicle in a rash and negligent manner and collided with two-wheeler on which two persons were travelling and that both the riders succumbed to injuries at the hospital. He further submits that the investigation reveals that the petitioner was under the influence of alcohol at the time of the occurrence. He further submits that the investigation is yet to be completed, and therefore, at this stage, if the petitioner is enlarged on bail, he will abscond and cause threat to the defacto complainant and



CRL.OP (MD) No.7053 of 2025

witnesses. Accordingly, he prays to dismiss the petition.

WEB COPY

6. Heard on both sides and perused all the materials available on record.

7. The petitioner was arrested on 05.04.2025 and has been in judicial custody since then. As per the records, it is evident that the incident in question is an accident, resulting in the death of both riders of the two-wheeler. Whether the petitioner was under the influence of alcohol at the time of the accident, and who was at fault, are matters to be determined during trial. Considering the above facts and the period of incarceration already undergone by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and taking note of the fact that there are no previous cases against the petitioner, this Court is inclined to grant bail 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



CRL.OP (MD) No.7053 of 2025

Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall furnish his residential address and mobile numbers to the learned Judicial Magistrate, Thirumayam, Pudukkottai District.

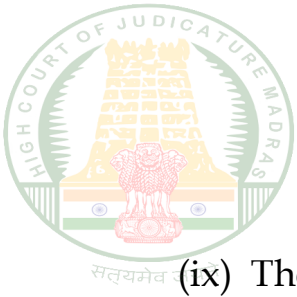
(iv) The petitioner shall appear and sign before the respondent-police daily at 09.00 a.m. until further orders.

(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 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 shall not directly or indirectly, cause any threat to the defacto complainant and witnesses and shall also not enter into the defacto complainant's house or her work place.



CRL.OP (MD) No.7053 of 2025

WEB COPY

(ix) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumayam, Pudukkottai District or Trial Court 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/-
21/04/2025

/ TRUE COPY /

22/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1.THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKOTTAI DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI



CRL.OP (MD) No.7053 of 2025

WEB COPY

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

4.THE OFFICER IN CHARGE, SUBJAIL, PUDUKOTTAI
DISTRICT.

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

ORDER IN
CRL OP(MD) No.7053 of 2025
Date :21/04/2025

PR/22.04.2025 7P/6C

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