



CRL OP (MD) No.7310 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7310 of 2025

Masilamani

... Petitioner/ Accused No.3

Vs.

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

... Respondent/Complainant

For Petitioner : Mr.M.Jerin Mathew
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.99 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



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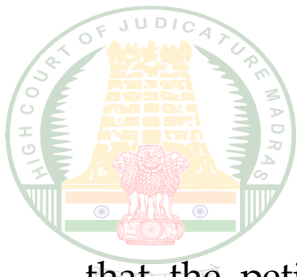
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This Criminal Original Petition has been filed by the petitioner on 17.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was 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 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 were enlarged on bail in the said case. Be that as it may, at the instigation of A4 to A9, 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 to depose against the accused persons in the murder trial. Hence, the case.

4. Mr.M.Jerin Mathew, learned counsel appearing for the petitioner, submits



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that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submits that the prosecution's case is a concocted story and that the petitioner has been falsely implicated. He also submits that the petitioner, who has two daughters, is an auto driver and was merely called by the other accused persons to give a ride to the defacto complainant, and that he has no connection with the other accused persons. He further submits that the petitioner has been in judicial custody since 27.03.2025 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.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that totally, nine accused persons were involved in this case, and the petitioner herein has been arrayed as A3. He further submits that there is no previous case pending against the petitioner. He further submits that the investigation of the case is pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond and cause threat to the defacto complainant and witnesses. Accordingly, he strongly opposes to grant bail to the petitioner.



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6. Heard on both sides and perused the records.

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7. The petitioner was arrested on 27.03.2025 and has been in judicial custody since then. In view of the nature of offences allegedly committed by the petitioner and the period of incarceration suffered by the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner has no previous case and with a view to give an opportunity to the petitioner to reform himself, 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, Bodinayakanur;
- (ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Bodinayakanur 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, Bodinayakanur;

(iv) The petitioner shall appear and sign before the respondent- police daily at 9.00 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 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



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evidence;

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(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 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, Bodinayakanur 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/-
22/04/2025

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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

1 THE JUDICIAL MAGISTRATE
BODINAYAKANUR.

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

3 THE OFFICER INCHARGE
SUB JAIL, THEKKAMPATTY.

4 THE INSPECTOR OF POLICE
BODINAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.7310 of 2025
Date :22/04/2025

HPS/SAR / 23.04.2025/7P/6C

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