

CRL OP (MD) Nos.7476 & 7480 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) Nos.7476 & 7480 of 2025

Udahayakumar ... Petitioner in Crl.O.P. (MD)No.7476 of 2025 - A6

Seni @ Srinivasan ... Petitioner in Crl.O.P. (MD)No.7480 of 2025 - A7

Vs.

The State of Tamil Nadu
Rep. by the Sub Inspector of Police,
Thiruappathur Town Police Station,
Sivagangai District.
(Crime No.16 of 2025)

... Respondent in both
Crl.O.Ps./Complainant

In Crl.O.P.(MD) No.7476 of 2025

For Petitioner : Mr.R.Ilayaraja,
Advocate

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



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In Crl.O.P.(MD).No.7480 of 2025

For Petitioner : Ms.M.Shunmalar, Advocate for
Mr.Senthil Nathan, Advocate

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

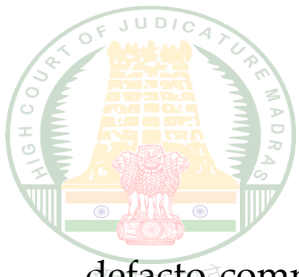
COMMON PRAYER :- For Bail in Crime No.16 of 2025 on the file of the respondent-Police.

COMMON ORDER : The Court made the following common order :-

These Criminal Original Petitions have been filed by the petitioners on 22.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/ Accused Nos.6 & 7 were arrested and remanded to judicial custody on 02.02.2025 for the alleged offence punishable under Sections 191(2), 191 (3), 127(2), 103 and 61(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.16 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a dispute between the son of the defacto complainant and the friends of one Vivek with regard to the murder of the said Vivek. In connection with the same, on 30.01.2025, at about 6:00 p.m., a wordy quarrel arose between the son of the defacto complainant and one Rajesh @ Boominathan at the Thiruppathur Bus Stand. Later, at about 9:00 p.m., while the



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defacto complainant and her son were purchasing groceries near Anna Statue, four persons came running towards her son armed with a sword and an aruval, and attacked him. The defacto complainant raised an alarm, upon which one Ayub Khan and one Sivaprakash came to his rescue. On seeing them, the accused persons fled the scene. The son of the defacto complainant was then taken to Madurai Rajaji Hospital, where he was declared dead. Hence, the case.

4. Mr.R.Ilayaraja and Ms.M.Shunmalar, learned counsel appearing for the petitioners, submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. They further submit that the petitioners have been in judicial custody since 02.02.2025 and are ready to abide by any conditions that may be imposed by this Court. They therefore pray for granting bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally eight accused persons in this case. He further submits that the petitioners surrounded the deceased on the spot and the co-accused persons attacked the deceased with a sword and aruval. He further submits that if bail is granted to the petitioners, they may cause threat to the defacto complainant and the witnesses. He further submits that there are two previous cases against the petitioner in CrI.O.P.(MD) No.7476 of 2025 (Accused



No.6), which relate to offences punishable under the NDPS Act, and that there is no previous case against the petitioner in CrI.O.P.(MD) No.7480 of 2025 (Accused No.7).

Hence, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.

7. The petitioners were arrested and have been in judicial custody since 02.02.2025. In view of the offences allegedly committed by the petitioners and considering the period of incarceration, 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 possibility of absconding. Considering the same and with a view to give an opportunity to reform themselves, this Court is inclined to grant an order of 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.25,000/- (Rupees Twenty Five Thousand only) each 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, Thiruppathur, Sivagangai 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, Thiruppathur, Sivagangai District,
WEB COPY shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioners shall appear and sign before the respondent-police daily 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioners shall not directly or indirectly cause any threat to the defacto complainant and also the witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruppathur, Sivagangai District, is entitled to pass appropriate orders against the petitioners 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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8. Accordingly, these Criminal Original Petitions stand allowed subject to the conditions stated supra.

sd/-

24/04/2025

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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,
THIRUPPATHUR, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

4 THE SUB INSPECTOR OF POLICE,
THIRUAPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-4716[I] dated 24/04/2025)



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+1 CC to M/s.B.SENTHILNATHAN, Advocate (SR-4717[I] dated 24/04/2025)

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ORDER

IN

CRL OP (MD) Nos.7476 & 7480 of 2025

Date :24/04/2025

SA/SAR. /24.04.2025/7P/8C

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