



CRL OP (MD) No.7802 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7802 of 2025

Krishnamoorthy

... Petitioner/ Sole Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
(Crime No.9 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.Ka.Raamakrishnan
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.9 of 2025 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 petitioner on 24.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 28.03.2025 for the offences punishable under Sections 296(b) and 118(1) of Bharatiya Nyaya Sanhita (BNS), 2023 @ Sections 296(b) and 105 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.9 of 2025, on the file of the respondent-police.

3. The case was registered based on the dying declaration given by the deceased while he was admitted at the Government Medical College and Hospital, Thoothukudi. The case of the prosecution is that, on 01.01.2025, during the midnight hours, the deceased had a quarrel with his wife. Following this, on the next day, i.e., 02.01.2025, at about 04:00 a.m., the petitioner herein, who is the son of the deceased, confronted him regarding the quarrel with his mother, abused him in filthy language, and pushed him down, as a result of which his head hit the ground. The deceased was admitted to the hospital and later succumbed to the injuries. Hence,



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the case.

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4. Mr.Ka.Ramakrishnan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 28.03.2025 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 the petitioner herein is none other than the son of the deceased, and that due to a wordy quarrel, he pushed the deceased down. As a result, the deceased sustained injuries and was admitted to the hospital. Despite treatment, he died after a period of seven days from the date of admission. He further submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, thereby causing delay in the investigation. 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 28.03.2025 and has been in judicial custody since then. In view of the First Information Report, it appears that the occurrence took place accidentally due to sudden provocation. Considering the same, 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. Therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration, 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 No.III, Thoothukudi, Thoothukudi 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 No.III, Thoothukudi, Thoothukudi District shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District;

(iv) The petitioner shall appear and sign before the respondent- police daily at 10.00 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 evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate No.III, Thoothukudi, Thoothukudi District 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/-
29/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER-IN-CHARGE,
DISTRICT JAIL, PERURANI.



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4. THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.7802 of 2025
Date :29/04/2025

PR/02.05 .2025 7P/6C

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