



CRL OP(MD). No.8457 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/05/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.8457 of 2025

Sivaboreygowda

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No. 71/2025.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatachalam,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 71 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 05.05.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail.

2. The petitioner / Sole Accused was arrested and remanded to judicial custody on 14.04.2025 for the offences punishable under Sections 281, 110 and 105(ii) of BNS, 2023 in Crime No.71 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 14.04.2025, at about 12.30 a.m., while the defacto complainant and his family members were talking at the entrance of his house, at that time, a car bearing Registration No.KA11M5670, which was driven by the petitioner, dashed against them. Due to the accident, the defacto complainant's daughter and son were thrown out and sustained grievous injuries and his daughter died on the spot and his son died in the hospital. Hence, the case.

4. Mr.D.Venkatachalam, learned counsel for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by



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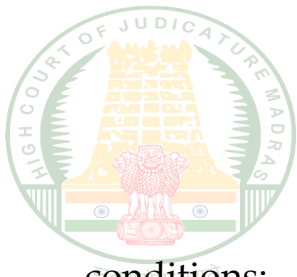
the prosecution, and that he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 14.04.2025. He therefore prays for grant of bail to the petitioner.

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5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to rash and negligent driving of the petitioner herein, two persons died. He further submits that if the petitioner is enlarged on bail, he may abscond and also tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested and remanded to judicial custody on 14.04.2025. The petitioner has permanent residence, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a view to give one more 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



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conditions:

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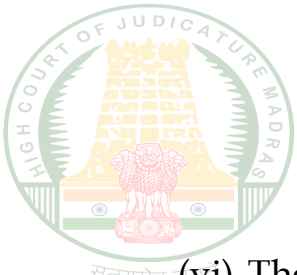
(i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) along with two sureties each for a like sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kadaladi;

(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 District Munsif cum Judicial Magistrate, Kadaladi, 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 District Munsif cum Judicial Magistrate, Kadaladi;

(iv) The petitioner shall appear and sign before the respondent-Police weekly once (i.e., on Sunday) 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 BNSS, 2023;



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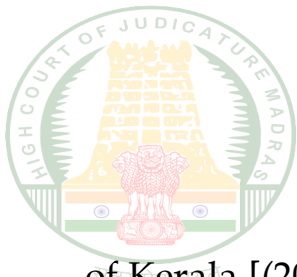
(vi) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(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 leave the State of Karnataka and Tamil Nadu without getting prior permission from the learned District Munsif cum Judicial Magistrate, Kadaladi;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(x) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate, Kadaladi, 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



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of Kerala [(2005) 13 SCC 283].

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
08/05/2025

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

TSG

TO

- 1.The District Munsif cum Judicial Magistrate,
Kadaladi.
2. Do through - The Chief Judicial Magistrate,
Kadaladi.
3. The Superintendent,
Central Jail, Ramanathapuram.
4. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s. D. Venkatachalam, Advocate (SR-5425[I] dated 09/05/2025)

ORDER
IN
CRL OP(MD) No.8457 of 2025
Date :08/05/2025

VN/12.05.2025 7P/7C

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