



CRL OP(MD). No.9439 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.9439 of 2025

Senthilmurugan,
S/o.Muthumari

...Petitioner / Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.28 of 2016)

... Respondent/ Complainant

For Petitioner : Mr.A.Mohan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.28 of 2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 03.12.2024. The petitioner was facing trial before learned Principal Sessions Judge, Sivagangai in S.C.No.131 of 2024 for the offences punishable under Sections 294(b),



CRL OP(MD). No.9439 of 2025

324 and 302 of the Indian Penal Code, 1860 altered into Sections 294(b), 324, 341, 302 read with Section 34 of the Indian Penal Code, 1860, in Crime No.28 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with three other accused, wrongfully restrained the deceased and assaulted him with deadly weapons, resulting in his death. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner has been arrayed as A1, and the matter was pending in P.R.C. No.16 of 2016 before the learned Judicial Magistrate No.I, Sivagangai. Since the petitioner failed to appear, a non-bailable warrant was issued on 18.05.2023. There are a total of four accused persons in this case. As the petitioner could not be secured, the case was split, and in respect of the other three accused, it was committed to the file of the learned Principal Sessions Judge, Sivagangai, and is now pending in S.C. No.131 of 2024. After a prolonged search, the respondent police traced the petitioner at the Andaman and Nicobar Islands on 28.11.2024. He was thereafter secured and produced before the Court on 03.12.2024, upon which the trial Court remanded him to judicial custody. He would further submit that the present



CRL OP(MD). No.9439 of 2025

WEB COPY

petition is the fourth bail application filed before this Court. The first bail application filed by the petitioner in CrI.O.P.(MD) No.1416 of 2025 was dismissed on 27.01.2025 on the ground that there must be some progress in the case, particularly with respect to the framing of charges and fixation of dates for examination of prosecution witnesses. He would also submit that charges have now been framed and the case is posted for trial on 30.06.2025. He further submits that the petitioner undertakes to appear before the trial Court on all hearing dates without fail. He would further submit that the petitioner is in custody from 03.12.2024. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the case of the petitioner has also been merged with the main case in S.C. No. 131 of 2024. He would further submit that A2 has died, and accordingly, the charges against him have abated. A4 is absconding, and a non-bailable warrant has been issued against him. The learned Government Advocate also brought to the notice of this Court that there are 11 previous cases registered against the petitioner, one of which pertains to an offence of murder. He, however, contends that if bail is granted to the petitioner, there is a likelihood that he may evade the trial proceedings and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.



CRL OP(MD). No.9439 of 2025

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6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also considering the stage of the case, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Sivagangai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall furnish his residential address and mobile number to the learned Principal Sessions Judge, Sivagangai. If the petitioner changes his residential address, he shall report the same to the learned Principal Sessions Judge, Sivagangai.

[c] the petitioner shall appear and sign before the respondent police daily twice at 10.30 a.m. and 05.30 p.m. Until further orders except on hearing dates. On hearing dates, the petitioner shall appear before the Trial Court without fail.

[d] the petitioner shall not abscond either during investigation or trial.



CRL OP(MD). No.9439 of 2025

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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

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

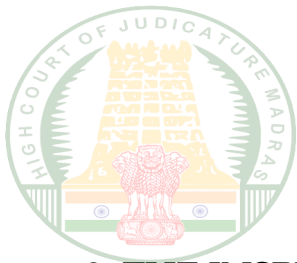
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18/06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO
1 THE PRINCIPAL SESSIONS JUDGE
SIVAGANGAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.



CRL OP(MD). No.9439 of 2025

3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.9439 of 2025
Date :18/06/2025

SA/SAR. /18.06.2025/6P/5C

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