



CRL OP(MD). No.9676 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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Gopinath,
S/o.Boominathan @ Lenin

...Petitioner / Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.198 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

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

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



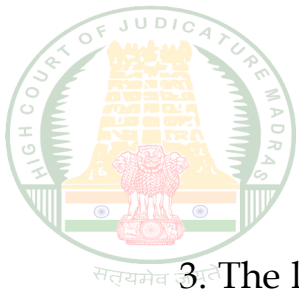
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PRAYER :- Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), to enlarge the petitioner on bail in the case in S.C. No.213 of 2024 pending on the file of the II Additional District and Sessions Court, Thoothukudi, in Crime No.198 of 2024 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 12.05.2024. The petitioner is facing trial in S.C. No.213 of 2024 pending on the file of the II Additional District and Sessions Court, Thoothukudi for the offences under Sections 147, 148, 294(b), 302 and 506(ii) of the Indian Penal Code, 1860, in connection with Crime No.198 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was the brother-in-law (wife's brother) of the first accused. He operated a gym under the name "Indian Tiger Fitness Centre". The deceased's father passed away, leaving behind his three daughters and the deceased as legal heirs. The three daughters and the deceased had shares in the inherited property, but the deceased refused to partition it. Consequently, on 11.05.2024, at about 10:00 p.m., the petitioners, along with other accused persons, unlawfully assembled with deadly weapons, and attacked him with knife and aruval, thereby committing murder. Hence, the case.



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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 A2, A3 and A4 were already granted bail by this Court. He would further submit that the petitioner is in custody from 12.05.2024. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that due to property dispute between the petitioner and the deceased, the petitioner along with other accused persons committed this offence. He would further submit that investigation in this case has been completed and the charge sheet has been filed before the concerned Court. He would further submit that the case has been committed to the Sessions Court and the same has been taken on file in S.C. No.213 of 2024 before the II Additional District and Sessions Court, Thoothukudi. He would further submit that there is one previous case pertains to Section 302 of IPC pending against the petitioner. He, therefore, would submit that at this stage, if bail is granted to the petitioner, he will abscond 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.



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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, 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 learned II Additional District and Sessions Judge, Thoothukudi, Thoothukudi District, 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 II Additional District and Sessions Judge, Thoothukudi, Thoothukudi District. If the petitioner changes his residential address, he shall report the same to the II Additional District and Sessions Judge, Thoothukudi, Thoothukudi District.

[c] the petitioner shall appear and sign before the respondent police daily at 10:30 a.m. until further orders, except on hearing dates in the Trial Court.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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



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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.

sd/-
10/06/2025

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

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TO

1. The II Additional District and Sessions Judge,
Thoothukudi, Thoothukudi District.
2. The Officer-in-Charge,
District Jail,
Perurani,
Thoothukudi District.
3. The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.9676 of 2025
Date :10/06/2025

MK/11.06.2025 6P/5C

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