

Crl.O.P(MD)No.9756 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 17.06.2025

Pronounced on : 10.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD)No.9756 of 2025

Sandhareshwaran

... Petitioner/ Accused

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
(Crime No.263 of 2024)

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 483(1)(b) of BNSS r/w 528 of BNSS, to modify the condition 4(i) imposed in Crl.M.P.No.3047 of 2024, dated 21.11.2024 by the Principal Sessions Judge, Theni, insofar as the condition that the petitioner seeking to be released on his own bond and further he will produce two own sureties within a period of 30 days from the date of release.

For Petitioner : Ms.S.Meena

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.side)



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ORDER

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The petitioner seeks modification of bail condition 4(i) imposed in Crl.M.P.No.3047 of 2024, dated 21.11.2024 by the learned Principal Sessions Judge, Theni.

2. The brief case of the prosecution is that the mother of the defacto complainant found dead in a strangulated condition and there found that the gold chain, earrings and two wheeler were missing. The case was registered U/s.331, 305 (a) and 103 of BNS, 2023 by the respondent police on 19.08.2024. The petitioner was arrested and remanded to custody on 24.08.2024. The petitioner was granted bail in Crl.M.P.No.3047 of 2024, dated 21.11.2024, with conditions to execute bond with two sureties by the learned Principal Sessions Judge, Theni.

3. The learned counsel for the petitioner has mainly submitted that the petitioner has been granted bail, but though he is in custody for more than 280 days, he could not be released since no sureties came forward to execute a bond along with the petitioner. So, the petitioner seeks modification to release the petitioner on his own bond with the direction that he would produce two sureties within a period of 30 days. In support of his contention, the learned counsel for the petitioner relied on rulings reported in AIR 1978 SC 597 (Menaka Gandhi /v/ Union of India) and the Orders passed by the Hon'ble Supreme Court titled as



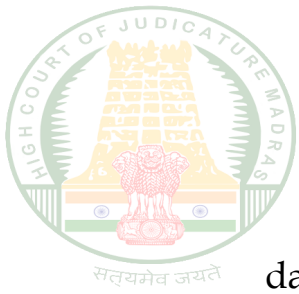
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Execution of Bail Orders in SMWP (Criminal) No.4/2021, dated 31.01.2023 and the
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Order of Delhi High Court, dated 18.10.2024 passed in Bail Appln.4056/2023 and
Crl.M.A.12790/2024 and Crl.M.A.23372/2024.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner was involved in murdering his own mother-in-law for gain and the defacto complainant is the wife of the petitioner. So, none of the family members or third parties is willing to stand as surety. The petitioner is involved in a heinous nature of crime. So, the condition may not be modified. The petition may be dismissed.

5. Heard and perused the available records. It is seen from the records that the petitioner is in custody for more than 280 days. Even though he has been granted bail on 21.11.2024 he could not come out from prison, as one of the bail condition of executing bond with two sureties is not complied with by him. The petitioner's counsel seeks modification relying rulings stated supra. On perusal of order of the Hon'ble Supreme Court passed in SMWP (Criminal) No.4 of 2021, dated 31.01.2023, the following directions are stipulated.

"(ii)If the accused is not released within a period of 7



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days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.

(iii)NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.

(iv)The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the Para Legal Volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition(s) of bail/surety."

The petitioner has not furnished any material to show that the above criteria has been followed. The family members and other local persons are not ready and willing to stand as surety to the petitioner, is to be taken into consideration. Considering the heinous nature of the offence, if the petitioner is released on own bond, he may abscond and the trial of the case will be paralised. So, this Court is



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not inclined to modify the condition at this stage.

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6. In the result, this Criminal Original Petition is dismissed.

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

VSD

To

1.The Principal Sessions Judge, Theni.

2.The Judicial Magistrate, Bodinayakanur.

3.The Inspector of Police,
Bodi Taluk Police Station,
Theni District.

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

ORDER

IN

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Date :10/07/2025

PS/SAR.23.07.2025 5P/5C

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