



Crl.O.P(MD).No.10705 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 15.07.2025

Pronounced on : 03.09.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.10705 of 2025

and

Crl.M.P(MD)No.9216 of 2025

Ponnudurai

S/o.Nangaiappan

... Petitioner/ Accused No.4

Vs.

The State of Tamil Nadu rep. by

The Inspector of Police,

Srivaikundam Police Station,

Thoothukudi District.

(Crime No.241 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on anticipatory bail in the event of his arrest or surrender in Crime No.241 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.M.Vishnu Varthanan

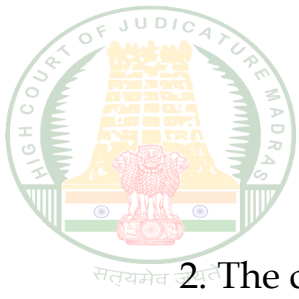
For Respondent : Mr.S.Prakash

Government Advocate (Crl.side)

For Intervenor : Mr.S.Muthumalai Raja

ORDER

The petitioner seek anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offences U/s.108 of BNS in Crime No.241 of 2025 on the file of the respondent police.



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2. The case of the prosecution is that there was a civil suit in O.S.No.38 of 1981 on the file of the Additional Sub Court, Tuticorin, for specific performance between the petitioner's grandparents and the father of the deceased Rajasekar and others. The suit was ended in favour of the petitioner's grandparents in S.A.No.375 of 1986 of the Principal Seat of this Court. The petitioner along with others, filed an execution petition in E.P.No.75 of 2023 in O.S.No.38 of 1981 on the file of the Sub Court, Srivaigundam, against the father of the defacto complainant and others for getting execution of sale deed. During pendency of that petition, the petitioner along with co-accused, approached the deceased Rajasekar and stated that they were ready to withdraw the case, if the deceased Rajasekar would pay a sum of Rs.50,00,000/-. Believing their words, the deceased paid a sum of Rs.45,00,000/- two years back prior to occurrence. However, the petitioner and other accused evaded to withdraw the case. So, on 29.04.2025, the deceased requested the petitioner and co-accused to withdraw the case, but they refused to withdraw the case. On 30.04.2025, the deceased lodged a complaint after knowing the same, the petitioner and co-accused came and abused the deceased with filthy words and also criminally intimidated the deceased with dire consequences. Therefore, the deceased became frustrated, consequently, he consumed poison and died on the same day at 2.30 p.m., thereby, the present case is registered against the petitioner and co-



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accused U/s.108 of BNS.

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3. The learned counsel for the petitioner has submitted that the petitioner is Accused No.4 and this is the second petition for anticipatory bail. The earlier petition in Crl.O.P.(MD)No.8434 of 2025 was dismissed by this Court on 28.05.2025. There was a civil case for specific performance in respect of property between the petitioner's grandmother and the father of the deceased and the suit was ended in favour of the petitioner's side. Thereafter, his grandmother died leaving behind legal heirs including the accused herein. In order to execute the decree, the petitioner along with others, filed an Execution Petition in E.P.No.75 of 2023 before the Sub Court, Srivaikundam, against the deceased and others for execution of sale deed regarding the property in dispute. The deceased Rajasekar also appeared in the said Execution Petition and filed his counter on 17.04.2025 and in his counter, there was no content about the alleged payment of the deceased to the petitioner & co-accused as they compromised. The petitioner never approached the deceased and never stated about the withdrawal of case on payment of Rs.50 lakhs by the deceased. It is learnt that on 29.04.2024 another financier approached the deceased for return of money and that there is CCTV footage, which would reveal the facts. On 30.04.2025, the deceased committed suicide for the reason known to him. Due to previous enmity, the defacto-complainant lodged this false case against the petitioner and



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others. The petitioner has not committed any offence as alleged. The co-accused/A5 & A6 were granted bail by this court in Crl.O.P.(MD)No.10879 of 2025 on 30.06.2025. He is ready to abide any condition imposed by the court and so he may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police filed a status report and objected this petition. He would submit that under false promise to withdraw the execution petition, the petitioner and co-accused received huge money from the deceased but failed to withdraw the same. While this was questioned by the deceased, the accused refused. On 29.04.2025, when the deceased proceeded to give a complaint, the accused abused and threatened the deceased to do away if complaint is given by him. On 30.04.2025, he had committed suicide. During investigation, suicide note was recovered wherein the names of the accused persons clearly mentioned. During investigation, some documents were recovered and they were sent to CFSL along with the suicide note for comparison of signatures. The petitioner/A4 is having previous cases. If the petitioner is granted anticipatory bail, he would not cooperate for the investigation. Hence, he objected to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervener mostly argued the same submissions of the learned Government Advocate (Crl.side) for the respondent police. He further



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submitted that his father/the deceased Rajasekar entered into an agreement with the accused, agreeing to pay the amount as asked by the accused and accordingly paid Rs.45 lakhs to the accused. The petitioner and co-accused are influential persons and had bad criminal antecedents. The petitioner's earlier anticipatory bail in CRL.O.P (MD)No.8434 of 2025 was dismissed by this Court. The petitioner will tamper with the evidence if he is granted anticipatory bail. Hence, he prayed to dismiss the petition.

6. Heard and perused available records. It is seen from the records that upon the alleged civil dispute, an amount of Rs.45 lakhs was alleged to have been paid by the deceased for withdrawal of the civil case by the petitioner and others. It is evident from records that there was a civil dispute between both parties from the year 1981 and the defacto complainant party went upto second appeal and that also ended against them. The petitioner states that they have not uttered any words against the deceased as stated in FIR, moreover, on previous day, some other financier approached the deceased and also there is CCTV footage available at the occurrence place. The respondent police has not specifically denied about CCTV footage. The petitioner is aged about 60 years. There is no material produced by the respondent police that the petitioner tried to tamper with the evidences or that he has not cooperated for investigation. The co-accused/ A5 & A6 were released on bail

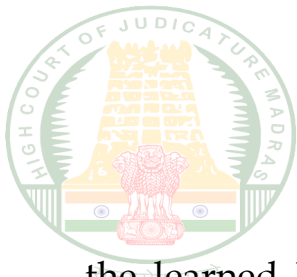


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by this Court in Crl.O.P(MD) No.10879 of 2025 on 30.06.2025. It is also alleged by the
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petitioner's side that the deceased had obtained several loans from various persons.

It is also seen from records that the deceased filed a counter in E.A.No.11/2025 in E.P.No.75/2023 in O.S.No.38/1981, in which there is no mention of the alleged undertaking deed dated 10.04.2023. The prosecution stated that the undertaking deed and the suicide note were sent for forensic science examination. There is a civil dispute between the parties from the year 1981. The contentions of both side would be adjudicated only after recording of evidences by the trial Court. The petitioner affirms that he will cooperate for the investigation. By this time, major part of the investigation might have been completed. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

7. In the result, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of



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the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, failing
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which, the anticipatory bail granted by this Court shall stand dismissed and on
further condition that:

(a) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(b) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District. If the petitioner change his residential address, he shall report the same to the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District;

(c)The petitioner shall appear and sign before the respondent police daily at 10.30 a.m. until further orders;

(d) Further, the petitioner shall appear before the respondent police as and when required for interrogation;

(e) The petitioner shall not abscond either during investigation or trial and they shall cooperate for the investigation;



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(f) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and and if there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560;

(h) If the petitioner/accused thereafter absconds, a fresh FIR can be registered under section 269 of BNS 2023.

8. Consequently, the connected Miscellaneous Petition is closed.

sd/-
03/09/2025

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/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

1.The Judicial Magistrate No.I,
Srivaikundam, Thoothukudi District.

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

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

+1. CC to P.M.VISHNU VARTHANAN Advocate SR.No.56473(F) Date:04/09/2025

ORDER
IN
CRL OP(MD) No.10705 of 2025
Date :03/09/2025

SBN/10.09.2025 9P/5C

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