



CRL OP(MD).No.12071 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.12071 of 2025

and

CRL MP(MD).No.9532 of 2025

Esakkimuthu @ Mongan,
S/o.Krishnan,

..Petitioner/ Accused No.1

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Pudukottai Police Station,
Thoothukudi.
(Crime No.48 of 2024)

.. Respondent/ Complainant

For Petitioner : Mr.P.Samuel Gunasingh
Advocate.

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

For Intervener : Mr.Arul Prakash

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.48 of 2024 on the file of the Respondent Police.

ORDER :- This Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD).No.12071 of 2025

WEB COPY

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 07.03.2024 for the offences punishable under Sections 147, 148, 341, 302, 506(ii) and 120(B) of IPC in Crime No.48 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that this petitioner and other accused persons were unlawfully assembled with deadly weapons and wrongfully restrained the two wheeler driven by the defacto-complainant, wherein, the deceased was travelling as pillion rider and dashed the two wheeler and when the deceased and the defacto-complainant fell down, the petitioner and other accused persons attacked him with weapons and caused his death and they also made criminal intimidation against the defacto-complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the Accused Nos.A3 to A10 were arrested and subsequently released on bail by this Hon'ble Court and Principal District and Sessions Court, Thoothukudi. The accused Nos.3 and 4 were detained under Goondas Act and the same was revoked by this Hon'ble Court in HCP(MD).No.893 & 897 of 2024 dated 15.10.2024, and the accused Nos.3 and 4 were released on bail by this Hon'ble Court in Crl.O.P.(MD).No.11008/2025 dated 30.06.2025. This petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide



CRL OP(MD).No.12071 of 2025

any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 07.03.2024, for the past 1 year and four months. Hence, he seeks bail.

4. The learned Counsel appearing for the intervener would submit that at the time of occurrence, this petitioner/first accused straight away attacked the head of the deceased with the billhook machete. The other accused persons have also joined and attacked the deceased person over his face and body repeatedly. The deceased person was murdered by the accused persons primarily on the ground that the deceased was one of the main witness of the case where this petitioner and other accused persons are being tried by this Court. If this petitioner/accused No.1 is released on bail he may threaten the witnesses and tamper the evidences. Hence, he opposed to allow the present bail petition.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner and other accused persons unlawfully assembled and restrained the defacto-complainant and the deceased and they were attacked the deceased which leads to the death of the deceased. In this case, there are totally 10 accused persons, this petitioner was arrayed as Accused No.1. The Accused Nos.A3 to A10 were arrested and subsequently released on bail by this Hon'ble Court and Principal District and Sessions Court, Thoothukudi. The accused Nos.3 and 4 were detained



CRL OP(MD).No.12071 of 2025

under Goondas Act and the same was revoked by this Hon'ble Court in HCP(MD).

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No.893 & 897 of 2024 dated 15.10.2024, and the accused Nos.3 and 4 were released on bail by this Hon'ble Court in CrI.O.P.(MD).No.11008/2025 dated 30.06.2025. In this case, investigation has been completed and the charge sheet has also been filed and the same was taken on file in S.C.No.287 of 2024 on the file of II Additional District and Sessions Judge, Thoothukudi. This petitioner is having nine previous cases. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, the Accused Nos.A3 to A10 were arrested and subsequently released on bail by this Hon'ble Court and Principal District and Sessions Court, Thoothukudi, the accused Nos.3 and 4 were detained under Goondas Act and the same was revoked by this Hon'ble Court in HCP(MD).No.893 & 897 of 2024 dated 15.10.2024, and the accused Nos.3 and 4 were released on bail by this Hon'ble Court in CrI.O.P.(MD).No.11008/2025 dated 30.06.2025, in this case, investigation has been completed and the charge sheet has also been filed and the same was taken on file in S.C.No.287 of 2024 on the file of II Additional District and Sessions Judge, Thoothukudi, the petitioner/accused No.1 is in judicial custody from 07.03.2024, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL OP(MD).No.12071 of 2025

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6. Accordingly, the petitioner is ordered to be released on bail on 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 Judicial Magistrate No.III, Thoothukudi. 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 contact number to the learned Judicial Magistrate No.III, Thoothukudi. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.III, Thoothukudi..

[c] the petitioner shall stay at Trichy and appear and sign before the Inspector of Police, Trichy Cantonment Police Station, Trichy District daily two times at 10.00a.m. and 05.00p.m. except on hearing dates, until further orders; and on hearing dates the petitioner shall appear before the concerned 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



CRL OP(MD).No.12071 of 2025

WEB COPY

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 BNS.

7.Consequently, connected miscellaneous petition is closed.

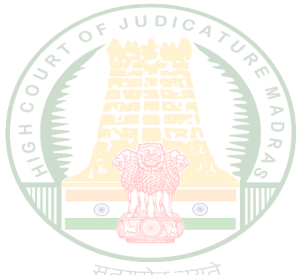
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25/07/2025

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25/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn
TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, CUDDALORE.
- 4 THE INSPECTOR OF POLICE, PUDUKOTTAI POLICE STATION, THOOTHUKUDI.
- 5 THE INSPECTOR OF POLICE, TRICHY CANTONMENT POLICE STATION, TRICHY.



CRL OP(MD).No.12071 of 2025

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

ORDER
IN
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and
CRL MP(MD).No.9532 of 2025
Date :25/07/2025

NBF/SAR- /25/07/2025/ 7P/7C

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