



CRL OP(MD).No.13618 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.08.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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1. Mahesh @ Maheshkumar,
S/o.Santhanaraj

2. Karpagaraj,
S/o.Subbiah

..Petitioners/ Accused
Nos.2 & 3

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Ottapidaram Police Station,
Tuticorin district.
(Crime No.189 of 2025)

.. Respondent/Complainant

For Petitioners : Mr.R.Rajeshkumar
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.189 of 2025 on the file of the Respondent Police.



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ORDER: This Court made the following order :-

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The petitioners / Accused Nos.2 & 3, who were arrested and remanded to judicial custody on 27.06.2025 for the offences punishable under Sections 103(1) and 55 of BNS Act in Crime No.189 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.06.2025 at about 03.00p.m. the defacto-complainant lodged a complaint before the respondent police alleging that during the Local Body Election, mother of the defacto-complainant and the fourth accused's wife had contested for the Post of Panchayat President, and she was successfully elected. Due to the rivalry arising from the said election, enmity persisted between the families. On 24.06.2025, at about 09.00a.m due to the said political enmity, the first accused intentionally caused the death of the deceased by colluding a lorry into the deceased Motorcycle bearing registration No. TN 69 BM 7465, due to the impact of the said accident, the deceased died on the spot. Hence, the case.

3. The learned counsel for the petitioners would submit that there are totally four accused persons, these petitioners were arrayed as Accused Nos.2 & 3. The alleged incident was a mere road accident, the prosecution given colour of culpable homicide. This fourth accused's wife had been defeated the defacto-complainant's mother. Due to the political enmity arising out of Panchayat Election, a false case has



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been lodged against these petitioners. The alleged occurrence was took place at about 09.00a.m.,the complaint was given only on 03.00p.m., which was indicating unexplained and suspicious delay in the registration of FIR. This second petitioner/A3 has filed a bail application before the Principal Sessions Judge, Thoothukudi in Crl.M.P.No.2825 of 2025 and the same was dismissed on 08.08.2025. These petitioners were not at all present at the scene of occurrence, but, the respondent police implicated these petitioners as accused Nos.2 & 3 in the said case. The first accused is the prime accused, there is no specific overtact against these petitioners. This petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The petitioners are ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioners are in custody from 27.06.2025, nearly 49 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the defacto-complainant is the daughter of the deceased, the deceased and the accused persons are hailing from the same village and they have previous enmity with regard to the Panchayat Election. Further, the deceased is a land broker and the accused persons are also having motive regarding real estate business, due to which wordy altercation was happened 15 days prior to the occurrence. The accused persons and the deceased have wordy altercation with regard to the administration of temple



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which was located in the said village. The accused persons developed vengeance and planned to kill the deceased. On 24.06.2025, at about 09.00a.m. when the deceased was coming in a two wheeler, the accused persons hit the deceased by lorry and killed him, due to the impact of the accident, the deceased sustained grievous injury and died on the spot. It is the case of pre-planned murder. A1 is the prime accused, at the instigation of the first accused all other accused joined together and committed the said occurrence. Accused No.4 was already enlarged on bail by this court in Crl.O.P.(MD).No.11776 of 2025 dated 01.08.2025. In this case, investigation has almost completed. There is no previous case against these petitioners. However, he objected to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, Accused No.1 is the primary accused, there is no specific overtact attributed against these petitioners, in this case, investigation almost completed, there is no previous case against these petitioners, Accused No.4 was already enlarged on bail by this court in Crl.O.P.(MD).No.11776 of 2025 dated 01.08.2025, the petitioners/accused Nos.2&3 are in judicial custody from 27.06.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:



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6. Accordingly, the petitioners are ordered to be released on bail on executing separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Ottapidaram 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 petitioners shall furnish their residential address and contact number to the learned Judicial Magistrate, Ottapidaram. If the petitioners changes their residential address, they shall report the same to the learned Judicial Magistrate, Ottapidaram;

[c] the petitioners shall Stay at Dindigul and they shall appear and sign before the Inspector of Police, Dindigul Taluk Police Station daily twice at 10.30a.m. and 05.30p.m. until further orders.

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

[e] the petitioners 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 petitioners in accordance with



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law as if the conditions have been imposed and the petitioners 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 BNS.

sd/-
14/08/2025

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

gvn
TO

- 1 The Judicial Magistrate,
Ottapidaram
- 2 Do Through the Chief Judicial Magistrate,
Thoothukudi District.
- 3 The Superintendent,
Central Prison, Palayamkottai.
- 4 The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.
- 5 The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul

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



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

ORDER
IN
CRL OP(MD) No.13618 of 2025
Date :14/08/2025

AS/14.08.2025/7P/7C

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