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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.10.2025

PRESENT

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRL OP(MD)No.16838 of 2025

Siva Suriyan ... Petitioner

Vs

State rep., by through
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.128 of 2025 ... Respondent

For Petitioner : Mr.S.Durairaj

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:- For Bail in Crime No.128 of 2025 on the file of the respondent police.

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ORDER: The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.07.2025 for the offences punishable under Sections 296(b) and 103(1) of BNS, 2023, in Crime No.128 of 2025 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to family dispute the petitioner is alleged to have abused the husband of the defacto complainant in filthy language and attacked him with an aruval and thereby, the husband of the defacto complainant was dead. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner has been in custody from 17.07.2025 for the past 77 days. The petitioner is ready to abide any condition to be imposed by this Court. Hence, he seeks bail to the petitioner.

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4.The learned Additional Public Prosecutor submitted that the complainant is the wife of the deceased and the accused is the brother-in-law of the deceased and the deceased married the petitioner's sister, who was affected by cancer and the petitioner is said to have asked the deceased to give a property for her treatment, but the deceased refused. Subsequently, the petitioner's sister died. Due to that motive, on 16.07.2025 night, when the deceased went to Thattarmadam with a relative, the petitioner restrained the deceased, quarreled with him, spoke abusive words and attacked with Aruval and murdered him and the investigation in this case is almost completed.

5.Taking into consideration of the facts and circumstances of the case between the close relatives with regard to property dispute and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on

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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 the learned Judicial Magistrate, Santhankulam, 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 learned Judicial Magistrate, Santhankulam.

[c] If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Santhankulam.

[d] the petitioner shall appear before the respondent police twice in a week i.e., on every Monday and Friday at 10.30 a.m., until further orders.

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

[f] the petitioner shall not tamper with evidence or

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witness either during investigation or trial.

[g] 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 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(M J R J)
03.10.2025

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To

1. The Judicial Magistrate, Santhankulam

2.The Superintendent,
Central Prison, Palayamkottai, Tirunelveli District.

3. The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

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

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M.JOTHIRAMAN,J.

Rmk/vsg

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