



CRL OP(MD). No.19167 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.11.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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1.Esakki

2.Ramaiah

... Petitioners

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Shengottai Police Station,
Tenkasi District.
(Crime No.367 of 2025)

... Respondent/Complainant

For Petitioners : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.367 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 05.10.2025 for the offences punishable under Section 194 of BNS @ 103 of BNS(Corresponding to Section 174 Cr.P.C @ 302 IPC) in Crime No.367 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased is a mentally retarded person and his parents were no more. Hence, the 1st petitioner was taken care of him, who was the cousin brother of the deceased. When the deceased requested to arrange marriage to him, the 1st petitioner refused citing his mental condition, for that, the deceased scolded the 1st petitioner, hence, the 1st petitioner gave poison to the deceased resulting his death. The 2nd petitioner is the relative of the 1st petitioner. Hence, the present petition.

3. The learned counsel for the petitioners further submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The petitioners are in judicial custody from 05.10.2025. Hence, he seeks bail to the petitioners.



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4. The learned Additional Public Prosecutor submitted that the petitioners have no previous cases and the petitioners are in custody from 05.10.2025. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners and the nature of the crime, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Shencottai, and on further conditions that :-

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m, until further orders;

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

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

[e] 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 is 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].

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

03.11.2025

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To

1. The Judicial Magistrate, Shencottai.
2. The Superintendent,
Central Prison, Palayamkottai,
Thoothukudi District.
3. The Inspector of Police,
Shengottai Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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ORDER
IN
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