



Crl.O.P.No.19121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19121 of 2024

Kathiravan

...Petitioner/Accused

Vs.

The State rep by,
The Inspector of Police,
Puthur Police Station,
Cuddalore District.
(Crime No.62 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.62 of 2024 on the file of respondent police.

For Petitioner : Mr.M.Ragul Kousik

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



Crl.O.P.No.19121 of 2024

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2024 for the offence under Section 108 of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.62 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, there was a quarrel between the petitioner and the defacto complainant's husband. During the said quarrel, the petitioner abused the defacto complainant's husband with filthy language. Due to this, the defacto complainant's husband consumed poison and died. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the co-accused in this case had already been granted anticipatory bail by this Court vide order dated 31.07.2024 in Crl.O.P.No.18065 of 2024. He further submitted that the petitioner has been in custody since 07.07.2024. Hence, he prays for the grant of bail to the petitioner.



CrI.O.P.No.19121 of 2024

WEB COPY

4. Learned Government Advocate (CrI.Side) submitted that the petitioner verbally abused the defacto complainant and his husband. Due to this, the husband of the defacto complainant/deceased, suffered mental agony and committed suicide. He also submitted that the investigation in this case is completed. He further submitted that the petitioner had three previous cases. Hence, he vehemently opposed to granting bail to the petitioner.

5.Hear both sides and perused the materials available on record.

6. Considering the rival submissions on either side, the fact that the investigation was completed, the fact that the co-accused were granted anticipatory bail by this Court, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



CrI.O.P.No.19121 of 2024

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of ***Rs.10,000/- (Rupees Ten Thousand only)*** with two sureties, each for a like sum to the satisfaction of the learned ***District Munsif cum Judicial Magistrate at Kattumannarkoil***, and on further conditions that:-

- [a] the petitioner shall report before the Jurisdictional Magistrate on every working day at 10.30 a.m., for a period of 30 days;**
- [b] the petitioner shall not abscond either during investigation or trial;**
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;**
- [d] 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];**



CrI.O.P.No.19121 of 2024

[e] if the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of the
BNS.

08.08.2024

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To

- 1.The District Munsif cum Judicial Magistrate,
Kattumannarkoil,
- 2.Central Prison Cuddalore.
- 3.The Inspector of Police,
Puthur Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.19121 of 2024

P.DHANABAL, J.

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Crl.O.P.No.19121 of 2024

08.08.2024