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CRL O.P. No.20204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20204 of 2024

Boominathan

... Petitioner / Accused-4

Vs

State rep. by:-

The Inspector of Police,
Veppadai Police Station,
Namakkal District.

... Respondent

[Cr. No.193 of 2022]

For Petitioner : Mr.T.Dhasarathan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 193 of 2022 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 10.04.2024 under P.T warrant for the offences punishable under Section 363 of IPC and subsequently, it was altered as Sections 363, 302 @ 302, 147, 148, 149, 120-B, 341, 364, 342, 395, 397 of IPC, in Crime No.193 of 2022, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 22.08.2022 at about 10.40 p.m., the petitioner and other accused, who were working under the defacto complainant's husband's finance Company, have kidnapped the defacto complainant's husband and committed murder on him for financial gain. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to financial dispute between the petitioner and the defacto complainant's husband, a false complaint has been lodged against the petitioner. He would further submit that except this



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petitioner, all other accused were released on bail and investigation has been completed and final report has also been filed. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, in order to grab money, have kidnapped the defacto complainant's husband and murdered him. He would further submit that investigation has been completed and final report has also been filed and the same was numbered as PRC.No.14 of 2023 by the Judicial Magistrate, Kumarapalayam, which is pending for committal. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the fact that investigation was completed and final report has been filed and the same has been numbered as P.R.C.No.14 of 2023, considering that the number of days of incarceration undergone by



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the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 **Judicial Magistrate, Kumarapalayam, Namakkal District**, and on further conditions that:

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar nature.

[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 Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The Judicial Magistrate, Kumarapayalam, Namakkal District.
- 2.The Inspector of Police,
Veppadai Police Station,
Namakkal District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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