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Crl.O.P.No.24329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.24329 of 2024

Kamaraj

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Manalurpet Police Station,
Kallakurichi District.
(Crime No. 240 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 240 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.K.Gangadaran

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

ORDER

The petitioner/A1, who was arrested and remanded to judicial
custody on 08.07.2024, for the alleged offences punishable under Sections



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196 @ 296(b), 115(2), 118(1), 127(2), and 103 of BNS, 2023, in Crime No.240 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the husband of the defacto complainant was addicted to alcohol and was admitted on 05.07.2024 to the Rehabilitation Center maintained by the petitioner herein under the name of Lotus Foundation. On 07.07.2024 at about 11.50 p.m, the defacto complainant received a phone call from the Rehabilitation Centre, that her husband had died. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the co-accused were already released on bail by this Court. He further submitted that the petitioner is in judicial custody for more than 90 days and he is ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the husband of the defacto complainant was one Rajasekar and he was addicted to alcohol and was put in the Rehabilitation Center on 05.07.2024, which was maintained by the petitioner herein, along with other accused persons under the name of Lotus Foundation. On the date of the alleged occurrence, the defacto complainant received a phone call from Rehabilitation Centre that her husband had died. He further submits that the petitioner has no previous case, pending against him and the investigation was completed and the final report was also filed. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, co-accused were already released on bail by this Court, and the petitioner has no previous case pending against him, and considering the period of incarceration undergone by the petitioner, investigation was completed and the charge sheet was also



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filed and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions

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 Judicial Magistrate, Thirukovilur, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



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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]; and

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

03.10.2024

drl

To

- 1.The Judicial Magistrate,
Thirukovilur.
- 2.The Station House Officer,
Manalurpet Police Station,
Kallakurichi District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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