



Crl.O.P.No.24481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

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

Crl.O.P.No.24481 of 2024

Sivakumar

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Ambattur Police Station,
Tiruvallur District.
(Crime No. 785 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.785 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Sathish Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 31.07.2024, for the alleged offence punishable under Section 194 of BNSS @ Sections 296(b), 351(3), 105 of BNS, in Crime No.785 of 2024, on the file of the respondent police, seeks bail.

2. Based on the complaint given by the de facto complainant/wife of the deceased/victim, the present case came to be registered for a man missing. Later, during the course of investigation, it came to light that, due to previous enmity, the petitioner along with other accused attacked the deceased with hammer and threw the dead body into the lake. Thereafter, the section was altered into 296(b), 351(3), 105 of BNS.

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 submit that the petitioner was arrested and is in judicial custody from 31.07.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that on the date of the alleged occurrence, due to previous enmity, the petitioner along with other accused attacked the deceased with hammer and threw the dead body into the lake. Initially, the case was registered under Section 296(b), 351(3), 105 of BNS and later it was altered into under Sections 126(2), 296(b), 109, 106 of BNS. He further submits that the petitioner has no previous case pending against him. He further submits that the investigation was also completed. 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 charged against the petitioner, the petitioner has no previous case, pending against him, considering the period of incarceration undergone by the petitioner, 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



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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, Ambattur, 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 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



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

19.10.2024

drl

To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Inspector of Police,
Ambattur Police Station,
Tiruvallur District
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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