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Crl.O.P.No.25753 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.25753 of 2024

Ravi

... Petitioner

Vs.

State represented by,  
The Inspector of Police,  
Kunnathur Police Station,  
Tiruppur District.  
(Crime No. 169 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.169 of 2024 on the file  
of the respondent Police.

For Petitioner : Mr.S.Parameswaran

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 06.07.2024, for the alleged offence punishable under Section 103 BNS @



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103(1), 238(a), 49, 61(2)(a) of BNS Act, 2023 in Crime No.169 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the husband of A1. Due to illegal intimacy with the deceased's wife, the petitioner along with other accused committed the murder of the deceased. Initially, the case was registered under Section 103 of BNS and later it was altered into 103(1), 238(a), 49, 61(2)(a) of BNS. 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 submit that the co-accused/A1 was already released on bail by this Court. He further submit that the petitioner was arrested and is in judicial custody from 06.07.2024 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 respondent police submitted that there are totally two accused in this case



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and the petitioner herein is ranked as A2. He further submits that the deceased is the husband of A1. A1 and A2 had an illegal affair, and the same was questioned by the deceased, for which, on the date of the alleged occurrence, the petitioner along with other accused murdered the deceased and threw the dead body in a field. He further submitted that the investigation was completed and there is no previous case pending against him. 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, considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case, pending against him, investigation was completed, co-accused was also released on bail, 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)



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with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.IV, Tiruppur, 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 No.IV,  
Tiruppur.
- 2.The Inspector of Police,  
Kunnathur Police Station,  
Tiruppur District.
- 3.The Superintendent,  
Central Prison, Coimbatore.
- 4.The Public Prosecutor,  
High Court of Madras.



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**P.DHANABAL, J.**

drl

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