



Crl.O.P.No.25721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

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

Crl.O.P.No.25721 of 2024

1. Vaibhav Aaba saheb Gurav
2. Rakesh Suryakanth mail
3, Manoj Manik Suryawanshi ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
CCB-1, Chennai.
Crime No.177/2024 ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No.177 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.R.Sridharan

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



CrI.O.P.No.25721 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.09.2024, for the alleged offence punishable under Section 194 of BNSS @ 127(2), 118(1), 108 of BNS in Cr. No.177 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that, A1 is running a business under the name of Bharat Melting, is engaged in the business of melting silver and gold. It is alleged that suspecting the deceased for the shortage of silver and gold jewels, A1 along with the petitioners, assaulted the deceased brutally with a base ball stick, due to which, he committed suicide. Initially the case was registered under Section 194 of BNSS, and later the sections were altered into Sectionss 127(2), 118(1), 108 of BNS. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submitted that co-accused was granted bail before the Sessions Court. He



Crl.O.P.No.25721 of 2024

would further submit that the petitioners were arrested and are in judicial custody for more than 40 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that A1 is doing business of melting silver and gold, and the deceased was working under A1. He further submits that due to a shortage of gold and silver in the shop, on the date of the alleged occurrence, by suspecting the deceased, the petitioners along with A1, assaulted the deceased brutally with a base ball stick, due to which, he committed suicide by hanging. He further submitted that there are no previous cases pending against the petitioners. However, he opposed to grant bail to the petitioners.

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



Crl.O.P.No.25721 of 2024

WEB COPY

6. Considering the nature of offence charged against the petitioners, co-accused was already released on bail by the Sessions Court, the petitioners have no previous case pending against them, considering the period of incarceration undergone by the petitioners and also considering all other aspects, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned VIII Metropolitan Magistrate, George Town, Chennai and on further conditions that:-

[a] the petitioners shall report before the respondent police everyday at 10.30 a.m until further orders.

[b] the Petitioners 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 Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the



CrI.O.P.No.25721 of 2024

case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

18.10.2024

drl

To

- 1.The VIII Metropolitan Magistrate,
George Town, Chennai
2. The Inspector of Police,
CCB-1, Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25721 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.25721 of 2024

18.10.2024