



Cr1.O.P.No.26445 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.26445 of 2024

Shadique Basha
Son of Valaiyan Sayabu

... Petitioner

Vs.

The State represented by
The Inspector of Police
K.V.Kuppam Police Station
Vellore District
(Crime No.230 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the Petitioner on bail, in Crime No.230 of 2024, on the file of the
Respondent Police.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)



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ORDER

This Criminal Original Petition has been filed by the Petitioner, who was arrested and remanded to judicial custody, seeking bail in Crime No.230 of 2024 registered under Section 194(1) of BNSS altered to 103(1) of BNS.

2.The case of the prosecution as per the de facto complainant is that the Petitioner is having illicit intimacy with the deceased, subsequently, the deceased developed illicit intimacy with some other person, knowing about the same, the Petitioner had committed murder of the deceased. Hence the case.

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 further submitted that the mother of the Defacto Complainant had developed illicit intimacy with the Petitioner. He further submitted that initially the case was registered under Section 194(1) of BNSS and later it was altered to 103(1) of BNS. Hence, he prayed for grant of bail to the Petitioner stating that the Petitioner is ready to abide by any stringent



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conditions that may be imposed by this Court.

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4.Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the Petitioner was having illicit intimacy with the deceased and the deceased later developed illicit intimacy with some other person, knowing that the Petitioner had committed murder of the deceased. He further submitted that one Kasim, who is the neighbour of the deceased has last seen the Petitioner leaving the house of the deceased at about 10.30 pm on the date of occurrence, and hence, he objected for granting bail to the Petitioner.

5.Heard the learned Counsel appearing for the Petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that there is no previous case pending against the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions.



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7. Accordingly, the Petitioner is ordered to be released on bail on his executing separate bond each for a sum of **Rs.15,000/- (Rupees fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Katpadi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioner shall stay at **Palakarai, Trichy** and appear before the **Inspector of Police, Palakarai Police Station, Trichy** everyday at **10.30 a.m., and 05.30 pm., until further orders;**

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

[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial;

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



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in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

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

06.11.2024

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To

1.The Judicial Magistrate,
Katpadi

2.The Inspector of Police
K.V.Kuppam Police Station
Vellore District

3.The Vellore Central Prison
Thorapadi

4. The Public Prosecutor,
High Court of Madras.

5.The Inspector of Police
Palakarai Police Station
Trichy.



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A.D.JAGADISH CHANDIRA.,J.

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