



Crl.O.P.No.28105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.28105 of 2024

Aruchamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
(Crime No.428 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.428 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Myilsamy

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 27.09.2024, seeking bail in Crime No.428 of 2024 registered under Section 194 BNSS and thereafter, altered for the offence under Sections 103(1) of BNS.



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2. The case of the prosecution is that the petitioner/accused is the son of the deceased and due to the property dispute, he strangled the neck of his father/deceased by dhoti, as a result of which, he died on the spot. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the case has been instituted on the false complaint given by the brother of the petitioner due to the property dispute. He further submitted that originally the case was registered under Section 194 BNSS and thereafter, altered to Section 103(1) of BNS. He also submitted that the petitioner is in custody from 27.09.2024 and hence, he prayed for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the property in dispute was originally settled in favour of the petitioner and thereafter, it was cancelled by the deceased when he went to his brother house. Thereby, aggrieved over the same, the petitioner has committed the offence. Hence, he opposed for grant of bail to the petitioner.



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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 fact that there is a dispute between the brothers, the nature of allegation and the period of incarceration and also considering that the custody of the petitioner is not required for further investigation, this Court is inclined to grant bail to the petitioner with 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 learned **Judicial Magistrate, Sulur**, 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;



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[b] the petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, everyday at 10.30 a.m., 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 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]***;

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

11.11.2024

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To

1. The Judicial Magistrate,
Sulur.
2. The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Cantonment Police Station,
Trichy.



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SUNDER MOHAN., J.

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