



Cr1.O.P.No.27770 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.27770 of 2024

Harish @ Eli
S/o.Thulukannam

... Petitioner

Vs.

The State represented by
The Inspector of Police
Minjur Police Station
Avadi District
(Crime No.369 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the Petitioner on bail, in Crime No.369 of 2024, on the file of the Inspector of Police, Minjur Police Station, Avadi District.

For Petitioners : Mr.M.Vetrivel

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

ORDER

This Criminal Original Petition has been filed by the Petitioner,



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who was arrested and remanded to judicial custody on 24.06.2024, seeking bail in Crime No.369 of 2024 registered under Section 147, 148 & 302 IPC.

2.The case of the prosecution as per the de facto complainant is that the deceased and A1 in this case were inmates in the Prison. After coming out of the prison A1 developed intimacy with the wife of the deceased. When the deceased came to know about the same, he has warned A1, thereby A1 in order to do away with the deceased, conspired with the other accused, invited the deceased for consuming liquor and committed the murder. Hence the case.

3.Learned Counsel appearing for the Petitioner submitted that the deceased is an innocent person and he has been falsely implicated in this case. Other than consumption of liquor with the deceased and A1, the Petitioner had not committed any offence as alleged by the prosecution. He further submitted that the Petitioner is under custody from 24.06.2024 and investigation has been completed and the matter is pending before the learned Judicial Magistrate No.II, Ponneri in PRC.No.21 of 2024. Hence, he prayed for grant of bail to the Petitioner stating that the Petitioner is ready to



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abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the Petitioner is the friend of A1, A1 developed illicit intimacy with the wife of the deceased, when the deceased had questioned them, in order to do away with the deceased, A1 has invited the deceased for having a drink together and during the said time, A1 has assaulted the deceased, resulted in his death, the Petitioner has got hold of the Petitioner, 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 the investigation has been completed and the matter is pending before before the learned Judicial Magistrate No.II, Ponneri in PRC.No.21 of 2024, 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 No.II, Ponneri**, 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 Paramakudi and appear before the Inspector of Police, Town Police Station, Paramakudi, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



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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 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 No.II,
Ponneri.

2.The Inspector of Police
Minjur Police Station
Avadi District

3. The Central Prison
Puzhal.

4. The Public Prosecutor,
High Court of Madras.

5. The Inspector of Police,
Town Police Station,
Paramakudi,



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A.D.JAGADISH CHANDIRA.,J.

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