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Crl.O.P.No.27872 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

Crl.O.P.No.27872 of 2024

1. Siva

2. Karthick

3. Tamizhselvi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.

(Crime No.365 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.365 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Jaikumar

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



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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 03.09.2024, seeking bail in Crime No.365 of 2024 registered for the offence under Sections 194(1) of BNSS and later altered under Sections 103(1), 127(3), 140(1), 238(a), 296(b), 308(5), 61(2) of BNS.

2. Based on the complaint given by the de facto complainant/Village Administrative Officer of Thirupulivanam Village, that the body of the unknown person was found with injuries, the case came to be registered under Section 194(1) of BNSS and later, during the course of investigation, it was found that the dead person was one Ramesh and due to the money dispute, the accused had kidnapped and murdered him. Therefore, the case has been altered to one under Sections 103(1), 127(3), 140(1), 238(a), 296(b), 308(5), 61(2) of BNS.

3. Learned counsel appearing for the petitioners submitted that the petitioners, who are arrayed as A3, A1 and A4 respectively, are innocent persons and they have been falsely implicated in this case only based on the



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suspicion. He further submitted that other than the confession statement recorded from the accused, there is no other material against these petitioners. He also submitted that the petitioners are in judicial custody from 03.09.2024 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the victim/deceased had borrowed money from the first accused and his friends and there was a dispute with regard to the same. He further submitted that due to the financial dispute, the accused had kidnapped the victim and assaulted him, due to which, he succumbed to injuries. He also submitted that as far as the third petitioner/A4 is concerned she had assisted all other accused and the investigation in this case still pending. He further submitted that nine previous cases including two murder cases are pending against the first petitioner/A3 and in respect of the second petitioner/A1, three previous cases were registered, out of which, two of them were disposed and there is no previous case against A4. Hence, he opposed for grant of bail to the petitioners.



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5. Heard the learned counsel appearing for the petitioners 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 circumstances of the case, the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the second and third petitioners, this Court is inclined to grant bail to the second and third petitioners alone with certain conditions and taking note of the previous antecedents of the first petitioner, this court is not inclined to grant bail to him and thereby, the petition, insofar as the first petitioner is concerned, is liable to be dismissed.

7. Accordingly, the criminal original petition in respect of the first petitioner stands dismissed for the present and in respect of the second and third petitioners, the criminal original petition stands ordered. Thereby, the second and third petitioners, are ordered to be released on bail on their executing separate bond each for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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the learned **Judicial Magistrate, Uthiramerur**, 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 second and third petitioners shall report before the respondent Police, everyday at 10.30a.m., until further orders;

[c] the second and third petitioners shall not abscond either during investigation or trial;

[d] the second and third petitioners 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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]***;



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

07.11.2024

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To

1. The Judicial Magistrate,
Uthiramerur.
2. The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
3. The Superintendent,
Central Prison (Women),
Vellore.
4. The Superintendent,
Central Prison (men),
Vellore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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