



Crl.O.P.No.27910 of 2024

WEB COPY

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.27910 of 2024

Palanivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Deevattipatti Police Station.
Salem District.

(Crime No.509 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.509 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 25.09.2024, seeking



CrI.O.P.No.27910 of 2024

bail in Crime No.509 of 2024 registered for the offence under Section 103(1) of BNS.

2. The case of the prosecution is that the petitioner has developed illicit intimacy with one Shanthi, which was known to the sister of the de facto complainant/victim and the victim had warned the petitioner that he will reveal the same to the wife of the petitioner. Thereby, the petitioner, enraged over the warning of the victim, had murdered the victim by strangulating her neck. 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 respondent has arrested the petitioner only based on the suspicion and other than that there is no material to connect the petitioner to the crime. He further submitted that the petitioner, who has no bad antecedents, is in custody from 25.09.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.27910 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a neighbour of the de facto complainant's sister/victim and since the victim warned the petitioner for having illicit relationship with another women, the petitioner had committed murder of the victim by strangulating her neck. He further submitted that the case is under investigation, hence, he opposed for grant of 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 circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, 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.15,000/- (Rupees Fifteen Thousand**



CrI.O.P.No.27910 of 2024

only) with two sureties, each for a like sum to the satisfaction of the learned

Judicial Magistrate, Omalur, 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 Chennai and report before the Inspector of Police, B1 North Beach Police Station, Chennai, everyday at 10.30 a.m. and 6.30 p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness during 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]*;



WEB COPY



CrI.O.P.No.27910 of 2024

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

07.11.2024

ham

To

1. The Judicial Magistrate,
Omalur.
2. The Inspector of Police,
Deevattipatti Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem..
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
B1, North Beach Police Station,
Chennai.



WEB COPY



Crl.O.P.No.27910 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.27910 of 2024

07.11.2024