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CrI.O.P.No.28237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

CrI.O.P.No.28237 of 2024

Guganathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Bhavani Police Station,
Erode.

(Crime No.352 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS/439 of Cr.P.C, pleased to grant bail to the petitioner in S.C.No.94 of 2024 pending before the learned IVth Additional District and Sessions Judge, Bhavani.

For Petitioner : Mr.B.Aravinthan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 16.06.2024, seeking bail in S.C.No.94 of 2024 pending before the learned IVth Additional District and Sessions Judge, Bhavani, in connection with Crime No.352 of 2024



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registered for the offence under Section 302 of IPC.

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2. The case of the prosecution is that on account of the dispute regarding the posting of the photo of the petitioner's girl friend on social media, both the petitioner and the de facto complainant's brother/deceased assaulted each other, during such time, the petitioner has stabbed the deceased with a knife, due to which, he sustained injuries and died on the way to the hospital. 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 also submitted that the incident has happened only during the quarrel and the deceased is the person, who had quarrelled with the petitioner and there is no intention or motive for the petitioner to commit murder of the deceased. He further submitted that the petitioner is in custody from 16.06.2024 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.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner had stabbed the deceased/de facto complainant's brother with knife, when the deceased had questioned the petitioner for posting the photo of one Naveenasri on social media, due to which, the de facto complainant's brother sustained injuries and died on the way to the hospital. He also submitted that the case has been taken up on the file of the IVth Additional District and Sessions Court, Bhavani, in S.C.No.94 of 2024 and now stands posted on 22.11.2024.

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 and also considering that the case was committed to the court of sessions, 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 a bond 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 **IVth Additional District Judge, Bhavani, Erode**, 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 appear before the learned IVth Additional District Judge, Bhavani on all working dates at 10.30 a.m., for a period of three weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial;

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



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

12.11.2024

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To

1. The IVth Additional District Court,
Bhavani, Erode.
2. The Inspector of Police,
Bhavani Police Station,
Erode.
3. The District Prison,
Gopichettipalayam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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