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Crl.O.P.No.29032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

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

Crl.O.P.No.29032 of 2024

Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Palladam.

(Crime No.763 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.763 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Pandi Selvan
for Mr.N.Thamizhanban

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A4, who was remanded to judicial custody on 29.08.2024 seeking bail in Crime No.763 of 2024 registered for the offences under Sections 103(1) @ 103(1), 191(2), 191(3), 249(2) and 61(2) of BNS.



CrI.O.P.No.29032 of 2024

WEB COPY

2. Based on the complaint given by the de facto complainant/Village Administrative Officer of Naranapuram Village, Palladam, that a body of the unknown male aged about 30 to 35 years was found at Palladam to Tiruppur Main Road near Karaiyampudur with multiple cut injuries, the case came to be registered under Section 103(1) of BNS on 08.08.2024 and later, during the course of investigation, it was found that as a retaliation for the murder of A11's son by the deceased/victim, the accused had conspired together and murdered the victim. Therefore, the case has been altered to one under Sections 103(1), 191(2), 191(3), 249(2) and 61(2) of BNS.

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 there is no eye witness to the occurrence, however, the petitioner was implicated only based on the confession statement recorded from the other accused and on coming to know about the same, the petitioner had voluntarily surrendered before the learned Judicial Magistrate, Palladam on 29.08.2024. He further submitted that when the petitioner was taken to police custody, he sustained fracture in his leg. He also submitted that the investigation



Crl.O.P.No.29032 of 2024

in this case was completed, however, the petitioner is still in judicial custody, hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that earlier, the son of A11 was murdered by the victim/deceased, thereby, in order to take revenge, the accused had conspired together and murdered the victim/deceased by brutally assaulting him with machete. He further submitted that the petitioner/A4 is also one of the members of the accused gang and he was brought as a henchman by the main accused. He also submitted that the charge sheet has been filed before the learned Judicial Magistrate, Palladam and it is yet to be taken on file. He further submitted that nine previous cases are pending against the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that out of nine previous cases registered against the petitioner, six cases were registered for the offence under Section 379 of IPC and he does not involve in any murder case. He further reiterated that only the petitioner had voluntarily



Crl.O.P.No.29032 of 2024

surrendered before the Magistrate concerned and further, he is also ready to cooperate for the trial. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the Counter filed by the respondent Police.

7. Taking into consideration the above facts and the submissions made by the learned counsel on either side, considering the fact that the charge sheet has been filed in this case and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 **Judicial Magistrate, Palladam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



CrI.O.P.No.29032 of 2024

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, Pondy Bazzar 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 of B.N.S.

21.11.2024

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Crl.O.P.No.29032 of 2024

WEB COPY

To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Palladam Police Station,
Palladam.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Inspector of Police,
Pondy Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29032 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.29032 of 2024

21.11.2024