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Crl.O.P.No.29047 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

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

Crl.O.P.No.29047 of 2024

Bhuvesh

... Petitioner

Vs.

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

(Crime No.400 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner/A5 on bail, in connection with Crime No.400 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Jagan

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

ORDER

Petition seeking bail in respect of Crime No.400 of 2024 registered under Section 194(1) of BNSS and later altered for the offences punishable under Sections 103 of BNS @ 194(1), 103(2), 126(2), 191(2), 191(3), 61(2) of BNS is on board for consideration.



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2. The incarceration of the petitioner/A5 being from 27.09.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, aged about 19 years, is no way connected with the alleged offence and even in the First Information Report, the name of the petitioner does not find place, however, he was implicated in this case since he happened to be friend of the main accused and present at the scene of occurrence. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the eighth accused, suspecting that the victim/deceased is responsible for the death of his son, had nurtured enmity with the victim and by conspiring with other accused, murdered him. He further submits that the petitioner herein is arrayed as A5 and he had assisted the other accused and there is no previous case against the petitioner.



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4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the overtact against the petitioner and also considering his age, this court is inclined to grant bail to the petitioner with certain conditions and 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, 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 petitioner shall stay at Tiruvannamalai and report before the Inspector of Police, Tiruvannamalai Town 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



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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.

26.11.2024

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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,
Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.



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A.D.JAGADISH CHANDIRA.,J.

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