



Crl.O.P.No.29553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vaniyambodi Town Police Station,
Tirupattur District.
(Crime No.530 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.530 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

Petition seeking bail in respect of Crime No.530 of 2024 registered for the offences punishable under Sections 61(2), 49 of BNS and subsequently altered to Sections 126(2), 296(b), 103(1), 115(2), 118(1), 61(2) and 49 of BNS is on board for consideration.



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2. The incarceration of the petitioner/A4 being from 29.08.2024 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 is no way connected with the alleged offence, however, he was arrested, since he was present at the scene of occurrence. He further submits that the main overtact is attributed only against the first accused and other than present at the scene of occurrence, there is no other specific allegation against the petitioner. He also 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 there was dispute between the de facto complainant's gang and the accused's gang in respect of playing drums in temple festival and due to which, the accused had waylaid the de facto complainant's brother when he was on the way to his home and murdered him by stabbing him with knife. He further submits that the petitioner herein/A4 also accompanied the first accused during the incident. He also submits that the case is under investigation.



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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 period of incarceration undergone by the petitioner and also considering that there is no specific allegation against the petitioner, 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 **District Munsif cum Judicial Magistrate, Vaniyambodi**, 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 report before the respondent Police, everyday at 06.30 p.m., for a period of two weeks and thereafter, every Saturday 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;



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[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.

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To

1. The District Munsif cum Judicial Magistrate,
Vaniyambodi.
2. The Inspector of Police,
Vaniyambodi Town Police Station,
Tirupattur District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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