



Crl.O.P.No.29480 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

Crl.O.P.No.29480 of 2024

Tamilselvan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
(Crime No.211 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner/A2 on bail, in
S.C.No.161 of 2024 on the file of the learned Additional District Judge.

For Petitioner : Mr.S.Saravana Kumar

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

ORDER

Petition seeking bail in S.C.No.161 of 2024 pending on the file of the
learned Additional District Judge, Kallakurichi, in respect of Crime No.211 of
2023 registered for the offences punishable under Sections 449, 302 IPC and later
altered into Sections 147, 148, 120(B), 449, 342, 429 and 302 of IPC is on board
for consideration.



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2. The incarceration of the petitioner/A2 being from 21.04.2023 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 fact remains is that the deceased Valarmathi is the adopted daughter of A1 and the first accused had transferred some of his property in the name of her adopted daughter/deceased for her welfare, whereas, the said Valarmathi tried to alienate the property at the instance of third parties, thereby, the first accused had questioned her, during which, the incident had taken place. He further submits that the petitioner is no way connected with the alleged offence, however, he was implicated in this case as if he had committed the murder. He further submits that even as per the prosecution the incident happened during night hours and there is no direct eye witness to the case and further, it is the case based on the circumstantial evidence and other than the confession statement recorded from the other accused, there is no material to connect the petitioner to this crime. He also submits that the investigation has been completed and the petitioner is ready to abide by any stringent condition that may be imposed by this court.



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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 on account of non-payment of loan amount by one Valaramathi/deceased to the first accused, there was a dispute between them and due to which, the first accused along with other accused, had brutally murdered the said Valarmathi and her two children, by slitting their throat. He further submits that the case has been committed to the Court of Sessions in S.C.No.161 of 2024 on the file of the Additional District Court, Kallakurichi. He further submits that the petitioner herein is arrayed as A2, who had assisted the main accused, and against whom, there is no previous case.

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, 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** (out of which, one surety should be a blood related



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surety), each for a like sum to the satisfaction of the learned **Judicial Magistrate**

No.I, Kallakurichi, 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 Additional District Judge, Kallakurichi, on all working days at 10.30 a.m., until further orders;

[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]***;

[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 Additional District Court,
Kallakurichi.
2. The Judicial Magistrate No.I,
Kallakurichi.
3. The Sub-Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
4. The Superintendent,
Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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