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Crl.O.P.No.29690 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

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

Crl.O.P.No.29690 of 2024

Madhesh

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
(Crime No.454 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.454 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Prabhakaran

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

ORDER

Petition seeking bail in respect of Crime No.454 of 2024 registered for the offences punishable under Section 103 of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A1 being from 22.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is in no way connected with the alleged offence and even as per the prosecution, there is no eye witness to the occurrence, whereas, due to previous enmity, a false complaint has been lodged against the petitioner and his family members. He further submits that the major part of the investigation is over and 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 de facto complainant had lodged a complaint stating that there exists a property dispute between the de facto complainant's husband and his brother/A1 and on 21.09.2024, her husband/victim had went to his native to lay the boundary stone in the disputed land, whereas, on the next day, she had received an information that her husband was lying dead in his farm house with cut injuries. Based on her complaint, the present case came to be registered and



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during the investigation, it revealed that the petitioner, who is the elder brother of the victim, along with his wife/A2 and son/A3, had murdered the victim by assaulting him with knife and wooden log. He also submits that the investigation in this case is still pending and further, A2 and A3 are still absconding and the petitioner was arrested on 22.09.2024.

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, including the counter filed by the respondent, 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Hosur**, 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 Tindivanam and



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report before the Inspector of Police, Tindivanam 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 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 Judicial Magistrate No.I,
Hosur.
2. The Sub-Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Tindivanam Town Police Station,
Tindivanam.



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A.D.JAGADISH CHANDIRA.,J.

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