



WEB COPY



Crl.O.P.No.29609 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

Crl.O.P.No.29609 of 2024

Maheshkumar. K

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
(Crime No.284 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.284 of 2024, pending investigation on the file of
the respondent Police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

Petition seeking bail in respect of Crime No.284 of 2024 registered
for the offences punishable under Section 103(1) of BNS is on board for
consideration.



Crl.O.P.No.29609 of 2024

WEB COPY

2. The incarceration of the petitioner being from 02.10.2024 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 none other than the son of the deceased/victim and the victim is an alcoholic, who used to quarrel with his family members in an inebriated condition. He further submits that on the alleged date of occurrence, the victim, under the influence of alcohol, had quarrelled with the mother and wife of the petitioner and attempted to assault them with machete and since the petitioner intervened, there was a scuffle between the petitioner and the victim/deceased, during such time, the incident had happened. He also submits that there is no intention or motive on the part of the petitioner to murder his father. He further submits that the investigation in this case has been completed 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 since the victim/deceased had quarrelled



CrI.O.P.No.29609 of 2024

and attempted to assaulted his family members, in an inebriated condition, the petitioner, who is the son of the victim, had murdered the victim, by assaulting him with machete. He also submits that there is no previous case against the petitioner and the charge sheet has been filed in this case before the Judicial Magistrate, Palladam and it is yet to be taken on file.

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 also considering the nature of allegation and the period of incarceration undergone by the petitioner and taking note of the fact that the charge sheet has been filed in this case, 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, 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 obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



Crl.O.P.No.29609 of 2024

[b] the petitioner shall appear before the learned Judicial Magistrate, Palladam, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate;

[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.

27.11.2024

ham



Crl.O.P.No.29609 of 2024

WEB COPY

To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29609 of 2024

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.29609 of 2024

27.11.2024