



Crl.O.P.No.29730 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.29730 of 2024

Jagan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.
(Crime No.455 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.455 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Somasekar

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

ORDER

Petition seeking bail in respect of Crime No.455 of 2024 registered under Section 194 BNSS and later altered for the offences punishable under Sections 61(2)(a), 204 and 105 of BNS is on board for consideration.



CrI.O.P.No.29730 of 2024

WEB COPY

2. The incarceration of the petitioner being from 18.11.2024 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 victim/deceased died due to his health problem and the petitioner has nothing to do with the alleged offence and there is no eye witness to the incident. He further submits that the petitioner was arrested only based on the suspicion and there is no material evidence against him. He also submitted that even as per the prosecution, there is no injuries on the body of the deceased. 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 on 15.11.2024, the de facto complainant/Lakshmi had lodged a complaint stating that her husband/victim was lying dead in the casuarina tree grove. Based on her complaint, the present case came to be registered under Section 194 BNSS and later, during



Crl.O.P.No.29730 of 2024

the course of investigation, it came to light that the victim/deceased was involved in selling Ganja and on the alleged date of occurrence, the petitioner/A1 herein posed himself as police personnel and threatened the victim, due to which, in order to escape from him, the victim ran away into the grove, where, he fell down and died. Thereby, the case has been altered to the offences under Sections 61(2)(a), 204, 105 of BNS. He also submits that there is no previous case against the petitioner and the investigation in this case is pending.

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, 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, Cheyyar, Tiruvannamalai District**, and on further conditions that :



CrI.O.P.No.29730 of 2024

[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 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.

27.11.2024

ham



CrI.O.P.No.29730 of 2024

WEB COPY

To

1. The Judicial Magistrate,
Cheyyar, Tiruvannamalai District.
2. The Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29730 of 2024

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.29730 of 2024

27.11.2024