



Crl.O.P.No.29845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.29845 of 2024

Kumaresan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Jolarpet Police Station,
Tirupathur District.
(Crime No.597 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.597 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

This Criminal Original Petition has been filed by the petitioner who was arrested and remanded to judicial custody on 23.09.2024, seeking bail in Crime No.597 of 2024 registered for the offence under Sections 133, 296(b), 115(2), 103(1) of BNS.



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2. The case of the prosecution is that on account of certain matrimonial differences between the petitioner and his wife/de facto complainant, the deceased, who is the mother of the de facto complainant, had supported her daughter and questioned the petitioner, thereby, the petitioner, who was under the influence of alcohol, had caused the death of his mother-in-law. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the incident had happened only during the quarrel and there is no intention or motive on the part of the petitioner to commit murder of his mother-in-law. He further submitted that the petitioner is in custody from 23.09.2024, hence, he prayed that the petitioner may be enlarged on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the matrimonial dispute, the accused had murdered his mother-in-law, who is the mother of the de facto complainant. He further submitted that the major part of the investigation is over, however, he objected for grant of bail.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking note of the nature of allegation and the period of incarceration undergone by the petitioner, this Court is of the opinion that the further custody of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tirupathur District**, 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 10.30 a.m., until further



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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 B.N.S.

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To

1. The Judicial Magistrate No.I,
Tirupathur District.
2. The Sub-Inspector of Police,
Jolarpet Police Station,
Tirupathur District.
3. The Superintendent,
Central Prison,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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