



Crl.O.P.No.30217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

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1. Kamesh

2. Akash

3. Vamsi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Manali Police Station.
Thiruvallur District
(Crime No.442 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with Crime No.442 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Silambuselvan

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

ORDER

Petition seeking bail in respect of Crime No.442 of 2024 registered for the offence under Sections 296(b), 109(1), 351(3) & 3(5) of BNS altered



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into Sections 296(b), 103(1), 351(3) r/w Section 3(5) of BNS, is on board for consideration.

2. The incarceration of the petitioners being from 10.09.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners were implicated in this case due to previous enmity and even as per the prosecution, the incident had occurred on 09.09.2024 and the victim died after seven days i.e. on 16.09.2024. He further submits that the co-accused has been granted bail by this Court in Crl.O.P.No.27230 of 2024 dated 07.11.2024 and the petitioners are 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 due to previous enmity, on 09.09.2024, the petitioners along with other accused had assaulted the de facto complainant's husband with knife, due to which, he sustained injuries and admitted to the hospital, where, he died without responding to the treatment on 16.09.2024.



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He further submits that the petitioners herein are arrayed as A4, A1 and A3 respectively and the investigation in this case has been completed and further, the charge sheet has also been filed, which has been taken up in P.R.C.No.54 of 2024 on the file of the learned Judicial Magistrate, Thiruvottiyur.

4. Having heard the learned counsel for the petitioners 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 that the case is pending committal on the file of the Judicial Magistrate Court, Thiruvottiyur, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (out of which, one of the sureties should be either the father or mother of the petitioners)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvottiyur**, 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;



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[b] the petitioners shall appear before the learned Judicial Magistrate, Thiruvottiur, on all working days at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond during trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

04.12.2024

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To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
Manali Police Station,
Thiruvallur District.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



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A.D.JAGADISH CHANDIRA.,J.

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