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Crl.O.P.No.30538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

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

Crl.O.P.No.30538 of 2024

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Fairlands Police Station,
Salem District.
(Crime No.298 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.298 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

Petition seeking bail in respect of Crime No.298 of 2024 registered for the offence punishable under Section 103(1) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 26.08.2024 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 both the petitioner and the deceased were working under the de facto complainant and they were staying in the same room. He further submits that the alleged offence is stated to have been happened during the quarrel and the petitioner did not have any intention or motive to murder his room mate/victim and the incident had happened only at the spur of the moment. He further submits that the detention order passed against the petitioner has also been set aside by this Court in H.C.P.No.2639 of 2024 dated 03.12.2024 and in this case, 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 on the alleged date of occurrence, there arouse a wordy quarrel between the petitioner and the victim/deceased, during such time, the petitioner had assaulted the victim with an iron rod resulting in the death of the victim. He



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also submits that the investigation in this case has been completed and the case has also been taken up for trial in S.C.No.365 of 2024 before the II Additional District Court, Salem and the case now stands posted on 13.12.2024 for hearing.

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 taking note of the period of incarceration undergone by the petitioner and that the case has been taken up for trial, 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.V, Salem**, 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 appear before the learned **II Additional District Judge, Salem, on all working days at 10.30 a.m., until further orders;**



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[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.

06.12.2024

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To

1. The II Additional District Court,
Salem.
2. The Judicial Magistrate No.V,
Salem.
3. The Inspector of Police,
Fairlands Police Station,
Salem District.
4. The Superintendent,
Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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