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Crl.O.P.No.30749 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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

Crl.O.P.No.30749 of 2024

Dhanushkodi

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
N2, Kasimedu Police Station,
Chennai.

(Crime No.644 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.644 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Ezhilbalaji

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

ORDER

Petition seeking bail in respect of Crime No.644 of 2024 registered under Section 194 BNSS and later, altered for the offence punishable under Section 103 of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 28.10.2024 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 further submits that the petitioner is none other than the son of the deceased and there is no intention or motive on the part of the petitioner to murder his father. He also submitted that the deceased was the drunkard, who used to quarrel with the mother of the petitioner, and on the alleged date of occurrence, he intervened his father, due to which, there was a quarrel between them and the incident had happened only during the quarrel. He also submits that 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 it is the case of patricide, where, the petitioner had pushed his father/victim during the quarrel, due to which, the victim fell down and succumbed to injuries and the petitioner, to screen the evidence, set fire to the body of the deceased. Thereby, the case registered under Section 194 of BNSS has been altered to one under Section 103 of BNS. He further submits that the investigation in this case is still pending.



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4. Having heard the learned counsel for the petitioner, 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 considering the facts of the case and the period of incarceration undergone by the petitioner, 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 **XVI Metropolitan Magistrate, George Town, Chennai**, 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 06.30 p.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;



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A.D.JAGADISH CHANDIRA.,J.

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[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.

10.12.2024

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To

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Sub-Inspector of Police, N2, Kasimedu Police Station, Chennai.
3. The Superintendent, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.

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