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Crl.O.P.No.30711 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.30711 of 2024

K.Aadhi Sivan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Shevapet Police Station,
Salem District.

(Crime No.566 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.566 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

Petition seeking bail in respect of Crime No.566 of 2024 registered for the offences punishable under Section 109(1) of BNS and later, altered under Sections 103(1) and 238 of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A3 being from 07.11.2024 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 even the name of the petitioner does not find place in the First Information Report and he is in no way connected with the alleged offence and further, he has no intention or motive to cause the death of the de facto complainant's son. 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 the accused and the son of the de facto complainant were working in the same company and on the alleged date of occurrence, the accused, due to previous enmity, in the guise of calling the victim/deceased to have liquor together, attempted to murder him by giving him the liquor mixed with poison, due to which, the victim fell ill and admitted to the hospital and later, he died without responding to the treatment. Thereby, the case registered for the offence under Section 109 (1) of BNS has been altered to one under Sections 103(1), 49,



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61(2) and 238 of BNS. He further submits that the victim/deceased had also sent a voice message to one of his friends about the incident. He also submits that the investigation in this case is still pending.

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 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 **Judicial Magistrate No.3, 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 stay at Sivangangai and report before the Inspector of Police, Sivangangai Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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 Judicial Magistrate No.3,
Salem.
2. The Inspector of Police,
Shevapet Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.



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