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Crl.O.P.No.30758 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

Crl.O.P.No.30758 of 2024

Kameshwaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Manavala Nagar Police Station.
Tiruvallur District.
(Crime No.354 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.354 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

Petition seeking bail in respect of Crime No.354 of 2024 registered for the offences punishable under Sections 115(1) and 296(b) of BNS and later, altered under Sections 103(1), 115(2), 191(2) & 296(b) of BNS, is on board for



Crl.O.P.No.30758 of 2024

consideration.

2. The incarceration of the petitioner/A5 being from 15.11.2024 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 also submits that the petitioner, aged about 19 years, is in no way connected with the alleged offence and he was implicated in this case, since he happened to be the friend of A1 and even the petitioner was not present at the scene of occurrence. He further submits that the some of the accused including A1 have been granted bail by this court in Crl.O.P.Nos.28470 and 29058 of 2024. 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 on 30.09.2024, due to previous enmity, when the de facto complainant and his friend Saranraj were coming back from their work, A1 along with other accused, abused the de facto complainant and his friend Saranraj and assaulted them, due to which, the de facto complainant sustained injuries on his



CrI.O.P.No.30758 of 2024

head and admitted to the hospital, but unfortunately, died without responding to the treatment. He further submits that two previous cases are pending against the petitioner and the investigation in this case is still pending.

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 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 (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Tiruvallur**, 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 Villupuram and report before the Inspector of Police, Villupuram Town Police Station, everyday at 10.30 a.m., until further orders;



CrI.O.P.No.30758 of 2024

[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 of B.N.S.

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To

1. The Judicial Magistrate No.II,
Tiruvallur.
2. The Inspector of Police,
Manavala Nagar Police Station.
Tiruvallur District.
3. The Superintendent,
Central Prison - II,
Puzhal.
4. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.30758 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.30758 of 2024

10.12.2024