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Crl.O.P.No.30864 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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

Crl.O.P.No.30864 of 2024

Sivakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Auroville Police Station,
Villupuram District.

(Crime No.660 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.660 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.N.Rajan

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

ORDER

Petition seeking bail in respect of Crime No.660 of 2024 registered under Section 194(1) of BNSS and later, altered for the offence punishable under Sections 296(b) & 103(1) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 12.11.2024 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 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 cause the death of his mother. He also submitted that the deceased is a mentally retarded person and on the alleged date of occurrence, she had set fire to the house, during such time, she fell down and sustained head injuries and later, died without responding to the treatment. He further submits that the petitioner has nothing to do with the alleged offence and he 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 matricide, where, there exists a family dispute between the petitioner and his mother/victim and on the alleged date of occurrence, the petitioner suspecting that the victim had set fire to the house had abused and assaulted his mother/victim with wooden log, due to which, the victim sustained injuries and later, died without responding to the treatment. 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 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, Vannur**, 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 Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police, 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;

[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.

16.12.2024

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To

1. The Judicial Magistrate, Vannur.
2. The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.

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