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CrI.O.P.No.31286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.31286 of 2024

Sivakumar

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Alangayam Police Station,
Tirupathur District.
Crime No.224 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioners on bail in Crime No.224 of 2024 on the file
of the respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.S.Balaji
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.07.2024, for the alleged offence under Section 174 of Cr.P.C @ 456,



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302, 404 of IPC @ 456, 302, 404, 414, 201 of IPC, in Crime No.224 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.06.2024, at about 6.30 p.m, when the deceased, Anumakkal, aged 80 years was sleeping in her house, at that time, the petitioner along with other accused persons trespassed into her house, murdered the deceased and also stolen two nose studs, a pair of ear rings and two silver anklets from the deceased. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He also submitted that the detention of the petitioner under “Goonda” as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982 and the same was set aside by this Court in HCP.No.2598 of 2024 dated 04.12.2024. He further submitted that the co-accused was granted bail by this Court in CrI.OP.No.23023 of 2024 dated 19.09.2024. He further submits that the



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petitioner was arrested and is in judicial custody from 05.07.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the grand-son of the deceased and on the date of incident, the petitioner along with other accused person trespassed into the deceased house, murdered her and also stolen two nose studs, a pair of ear rings and two silver anklets from the deceased. He further submitted that the property was recovered from the petitioner; and that petitioner has no previous case pending against him; and that investigation is completed and the charge sheet has also been filed. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, nature of offence, already investigation was completed and the charge sheet



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was also filed, co-accused was also released on bail, and this petitioner was detained under “Goonda” Act of the Tamil Nadu Act 14 of 1982 and thereafter, the detention order of the petitioner has been set aside by this Court, and that the petitioner has no previous case pending against him, and considering the period of incarceration undergone by the petitioner, and also considering all other factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirupathur, Tirupathur District, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until committal.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



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[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

16.12.2024

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P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate No.III,
Tirupathur, Tirupathur District.
- 2.The Inspector of Police,
Alangayam Police Station,
Tirupathur District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.

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