



CrI.O.P.No.30866 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

CrI.O.P.No.30866 of 2024

Subramanian

... Petitioner

Vs.

State rep. by

The Inspector of Police,

Manalmedu Police Station,

Mayiladuthurai DT. (Crime No. 256/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No. 256/2024 on the file of the respondent Police.

For Petitioner : Mr.S.Kishore

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

Petition seeking bail in respect of Crime No.256 of 2024 registered for the offences punishable under Sections 296(b), 127(2), 118(1), 351(3), 103(1) of BNS, 2023 is on board for consideration.

2.The incarceration of the petitioner being from 14.09.2024 pleading



CrI.O.P.No.30866 of 2024

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 is aged about 84 years, he has no intention to murder the deceased. He also submits that the petitioner is no way connected with the alleged offences 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 Additional Public Prosecutor appearing for the respondent police, opposing for grant of bail, is that owing to a civil dispute between the petitioner and the de facto complainant, the petitioner and co-accused are said to have assaulted the mentally retarded son of the de facto complainant using iron rod and wooden log all over his body. When the same was questioned by the de facto complainant, the petitioner had abused him in filthy language. The son of the de facto complainant, who was admitted in Mayiladuthurai G.H. for treatment succumbed to the injuries.

4.Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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



Cr1.O.P.No.30866 of 2024

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 I, Mayiladuthurai, 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 Thanjavur and report before the Inspector of Police, Thanjavur East Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of the respondent police 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;

[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]***;



CrI.O.P.No.30866 of 2024

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

11.12.2024

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CrI.O.P.No.30866 of 2024

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To

1. The Judicial Magistrate No.I,
Mayiladuthurai.
2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai DT.
3. The Superintendent,
Central Prison, Trichy.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police
Thanjavur East Police Station
Thanjavur



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CrI.O.P.No.30866 of 2024

A.D.JAGADISH CHANDIRA., J.
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CrI.O.P.No.30866 of 2024

11.12.2024