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Crl.O.P.No.31627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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

Crl.O.P.No.31627 of 2024

A.Ananth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

(Crime No.504 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.504 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Sivaraman

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

ORDER

Petition seeking bail in respect of Crime No.504 of 2024 registered for the offence punishable under Section 194 of BNSS @ 296(b), 115(2) and 105(2) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 10.11.2024 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 on 28.10.2024, the de facto complainant's brother/victim, in an inebriated condition, had quarrelled with the petitioner during the final rites of their neighbour; during which, the victim himself fell down and the petitioner did not cause any injuries to him and no weapons were used. He also submits that even as per the prosecution, the incident happened on 28.10.2024, whereas, the victim/deceased died only on 10.11.2024, therefore, the petitioner has nothing to do with the alleged offence and also the petitioner has no intention or motive to cause the death of the de facto complainant's brother. He further 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 28.10.2024, during the scuffle between the de facto complainant's brother/victim and the petitioner, the petitioner had pushed the victim down and thereby, the victim was admitted to a hospital and later, the



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victim died on 10.11.2024 without responding to the treatment. He further 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 Police and considering the facts of the case and 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, Sirkazhi**, 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 Chennai and report before the Inspector of Police, Periamet Police Station, everyday at 10.30 a.m., 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;



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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.

19.12.2024

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To

1. The Judicial Magistrate,
Sirkazhi.
2. The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
3. The Superintendent,
Central Prison, Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Periamet Police Station,
Chennai.

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