



WEB COPY



Crl.O.P.No.31941 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No. 31941 of 2024

Dhanasekar

... Petitioner

Vs.

State represented by
The Inspector of Police,
V4, Rajamangalam,
Chennai, Chennai District.
(Crime No. 517 of 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.
517 of 2024 on the file of the respondent Police.

For Petitioner : Mr.N. Suriyamuthu

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

ORDER

Petition seeking bail in respect of Crime No.517 of 2024 registered for
the offences punishable under Sections 194 BNSS @ 103(1) of BNS is on board
for consideration.

2.The incarceration of the petitioner being from 07.11.2024 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
this is a case based on circumstantial evidence. He also submits that the petitioner



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assisted the deceased, who was an alcoholic, and that his death resulted from excessive liquor consumption. He also submits that the petitioner was the one, who helped admit the deceased to a private hospital, from where he was later transferred to a Government hospital, where he was declared dead. He also submits that if the petitioner had any intention of murder, he would not have taken him to the hospital. However, based on mere suspicion, the respondent has implicated the petitioner in this case. 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 put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner (A2) along with his paramour (A1) was involved in the murder of A1's husband. He further submits that during the course of investigation, it came to light that A1 had an illicit relationship with A2, when her husband confronted her, she, along with the petitioner, murdered her husband and later attempted to portray it as a natural death.

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 including the counter affidavit 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



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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 XIII Metropolitan Magistrate, Chennai, 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 Madurai and report before the Inspector of Police, Otthakadai Police Station, Madurai, 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;

[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.

20.12.2024

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A.D.JAGADISH CHANDIRA, J.
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To

1. The XIII Metropolitan Magistrate,
Chennai.
2. The Inspector of Police,
V4, Rajamangalam,
Chennai, Chennai District.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police
Otthakadai Police Station
Madurai.

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