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CrI.O.P.No.31769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

CrI.O.P.No.31769 of 2024

Suresh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukkuvalai Police Station,
Nagapattinam District.

(Crime No.86 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.86 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Ranjith Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate

ORDER

Petition seeking bail in respect of Crime No.86 of 2024 registered for the offences punishable under Sections 296(b), 115(2), 118(1) of BNS altered to Section 105 of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 02.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He submitted that the petitioner is addicted to alcohol and there was a quarrel during which, the petitioner along with his father, without understanding the consequences, had pushed the deceased / mother of the petitioner and the deceased succumbed due to the injuries sustained. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

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 the petitioner was in a drunken mood arose wordy quarrel with his mother, who had questioned him for his drinking habit, in which, the petitioner along with his father had abused the deceased / mother of the petitioner in filthy language and assaulted her with wooden log. Due to which, the deceased sustained injuries and thereafter succumbed due to the injuries.



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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, 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 **District Munsif Cum Judicial Magistrate, Thirukkuvalai** 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 report before the respondent Police, everyday at 06.30 p.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



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A.D.JAGADISH CHANDIRA.,J.

Anu

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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

19.12.2024

Anu

To

1. The District Munsif Cum Judicial Magistrate, Thirukkuvalai
2. The Inspector of Police,
Thirukkuvalai Police Station,
Nagapattinam District.
3. The Superintendent,
District Jail, Nagapattinam
4. The Public Prosecutor,
High Court of Madras.

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