



CRL OP(MD). No.18867 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2024

PRESENT

The Hon`ble Mr.Justice **N.ANAND VENKATESH**

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1. Kanagaraj

2. Poovarasan

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thuraiyur Police Station,
Trichy District,
Crime No.231 of 2024.

... Respondent/Complainant

For Petitioner : Mr.P. Surliraja, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.231 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 22.08.2024 for the offences under Sections 194(3)(iv) of BNSS (hereinafter referred to as new penal code) subsequently altered as Section 103(1) of new penal code in Crime No.231 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased and the first accused had some money transaction, whereby, the deceased had lent money to the first accused and was insisting for repayment of the same. At one point of time, the first accused decided to do away with the deceased. Hence, he conspired with the second accused and the deceased was made to come to have drinks and pesticide was added to the drinks. Even after consuming the same, the deceased did not die and he was strangled to death by the accused persons. Initially, the FIR was registered for suspicious death and subsequently, it was altered for the offence under Section 103(1) of new penal code. There are totally two accused persons in this case and both of them are before this Court.

3. The learned Counsel appearing for the petitioners submitted that a false case



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has been foisted against the petitioners. The petitioners have nothing to do with the alleged offences. The learned Counsel further submitted that the petitioners have already suffered incarceration for the last 72 days.

4. *Per contra*, the learned Additional Public Prosecutor appearing for the respondent police submitted that in the instant case, the accused Nos.1 and 2 had conspired and done away with the deceased since the deceased was insisting for the repayment of the amount that was lent to the first accused. The learned Additional Public Prosecutor further submitted that the second accused has one previous case against him for the offence under Section 379 IPC. The first accused had given an extra-judicial confession to the concerned Village Administrative Officer two days after the incident and based on his confession, the second accused was also made as an accused in this case.

5. It was also brought to the notice of this Court that the investigation has been completed and the investigation officer is only awaiting for the chemical analysis report.

6. Taking into consideration the facts and circumstances of the case and also of



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the fact that the investigation has almost been completed and the entire case revolves around the extra-judicial confession given by the first accused and also considering the fact that the petitioners have already suffered incarceration for the last 72 days, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the criminal original petition is ordered and the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** each, with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thuraiyur, Trichy District**, 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 petitioners shall report before the learned **Judicial Magistrate, Thuraiyur, Trichy District, every Monday at 10.30 a.m until further orders** except on the days when the case is posted for hearing before the trial Court.

[c] the petitioners shall appear before the trial Court during every hearing date without fail.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/11/2024

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04/11/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE
THURAIYUR, TRICHY DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.



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3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

4 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT,

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-13537[I] dated 04/11/2024)

ORDER
IN

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Date :04/11/2024

SS/SAR- /04/11/2024/ 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023