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Crl.O.P.No.2357 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2357 of 2025

Musharaf

... Petitioner/A5

Vs.

The State represented by,
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.448 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.448 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who were arrested and remanded to judicial custody on 02.12.2024, seeking bail in Crime No.448 of 2024 registered for the offence under Sections 281, 106 of BNS altered into Section 103 of BNS.



Crl.O.P.No.2357 of 2025

WEB COPY

2. The case of the prosecution is that A3 is the wife and A4 is the daughter of the deceased person. The deceased person has suspected the character of his wife(A3) and thereby there arose frequent quarrel between A3 and the deceased, enraged over the same, petitioner along with other accused murdered the deceased. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He submitted that no specific overt act has been attributed to the petitioner. He also submitted that the petitioner is in custody from 02.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that, deceased person has suspected the character of his wife(A3) and thereby there arose frequent quarrel between A3 and the deceased, enraged over the same, A3 along with other accused including the petitioner murdered the deceased. He



Crl.O.P.No.2357 of 2025

further submitted that there is no previous case against the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Admittedly, A3 and A4 have already been released on bail and there is no previous case against the petitioner. Considering the nature of allegation, period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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, Uthangarai**, 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;



CrI.O.P.No.2357 of 2025

WEB COPY

[b] the petitioner shall report before the respondent Police, 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 B.N.S.

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CrI.O.P.No.2357 of 2025

To

1. The Judicial Magistrate,
Uthangarai
2. The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
3. The Superintendent,
Sub Jail, Dharmapuri
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.2357 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.2357 of 2025

03.02.2025