



WEB COPY



Crl.O.P.Nos.2876, 2878 & 2879 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

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

Crl.O.P.Nos.2876, 2878 & 2879 of 2025

Thambiraj	... Petitioner in Crl.O.P.No.2876 of 2025
Basha	... Petitioner in Crl.O.P.No.2878 of 2025
Gobinath @ Gopinath	... Petitioner in Crl.O.P.No.2879 of 2025

Vs.

The State represented by,
The Inspector of Police,
Gingee Police Station,
Villupuram District.

(Crime No.678 of 2024). ... Respondent in all Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with Crime No.678 of 2024, pending investigation on the file of the respondent Police.

For Petitioner in Crl.O.P.No.2876 of 2025 : Mr.P.Chandrasekar

For Petitioner in Crl.O.P.No.2878 of 2025 : Mr.V.R.Appaswamee

For Petitioner in Crl.O.P.No.2879 of 2025 : Mr.A.N.Rajan

For Respondent in all Crl.O.Ps. : Mr.S.Santhosh
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.Nos.2876, 2878 & 2879 of 2025

COMMON ORDER

Petitions seeking bail in respect of Crime No.678 of 2024 registered for the offences punishable under Section 108 of BNS, is on board for consideration.

2. The incarceration of the petitioners being from 29.12.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. They also submit that this is the second application for bail filed by the petitioners before this Court and their earlier bail application was dismissed on the ground that the investigation is at preliminary stage and the accused were arrested very recently. They further submit the husband of the de facto complainant/deceased had received money from the petitioners in the guise of arranging government jobs and cheated them, due to which, the petitioners had only asked him to return their money. He also submits that other than demanding their money, the petitioners have not committed any offence as alleged by the prosecution and they have not abetted the victim to commit



Crl.O.P.Nos.2876, 2878 & 2879 of 2025

suicide. They also submit that the husband of the de facto complainant/deceased had cheated several persons and fearing the police action, he had committed suicide and in order to avoid payment of money to the persons, who have been cheated by the deceased, the de facto complainant had given a false complaint. They further submit that the petitioners are 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 since the husband of the de facto complainant/deceased had cheated the petitioners to the tune of several lakhs, the petitioners along with other accused had kidnapped the victim/deceased, demanded money to the de facto complainant and assaulted him indiscriminately causing grievous bleeding injuries and left him. Thereafter, on 28.12.2024, the accused came to the house of the deceased, by threatening him with dire consequences, demanded a sum of Rs.33 lakhs and abused him, therefore, the victim, unable to bear the humiliation caused by the accused, had committed suicide by hanging. He further submits that the



Crl.O.P.Nos.2876, 2878 & 2879 of 2025

petitioners are arrayed as A1, A3 and A4 respectively and against A1, one previous is pending and in respect of other accused, there is no previous case.

4. Having heard the learned counsel for the petitioners, 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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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, Gingee**, 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 stay at Madurai and report before the Inspector of Police, Othakadai Police Station, everyday at 10.30 a.m., until further orders;



WEB COPY



Crl.O.P.Nos.2876, 2878 & 2879 of 2025

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

07.02.2025

ham

To

1. The Judicial Magistrate, Gingee.
2. The Inspector of Police,
Gingee Police Station, Villupuram District.
3. The Superintendent,
Sub Jail, Gingee.
4. The Central Prison, Gingee.
The Public Prosecutor, High Court of Madras.
5. The Inspector of Police,
Othakadai Police Station, Madurai District.



WEB COPY



Crl.O.P.Nos.2876, 2878 & 2879 of 2025

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.Nos.2876, 2878 & 2879 of 2025

07.02.2025