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Crl.O.P.No.1557 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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

Crl.O.P.No.1557 of 2025

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthukkottai Police Station,
Thiruvallur District.
(Crime No.473 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.473 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

Petition seeking bail in respect of Crime No.473 of 2024 registered for the offences punishable under Sections 61(2), 140(3), 103 and 238 of BNS, is on board for consideration.

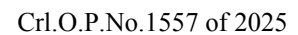


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2. The incarceration of the petitioner being from 31.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner was arrested based on the confession statement recorded from the other accused and other than the confession statement, there is no other material to connect the petitioner to the crime. He also submits that the petitioner, aged about 22 years, is ready to abide by any stringent condition that may be imposed by this court and he is having a permanent residence. He further submits that the co-accused has already been enlarged on bail by this Court in Crl.O.P.No.30902 of 2024 on 13.12.2024.

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 accused and the victim/deceased are friends, however, due to various other reasons, there exists a resentment between them and due to which, on the alleged date of occurrence, the accused conspired together and murdered the victim, when they were having liquor together and screened the offence by burying the body of the victim near a well. He further submits that now the body of the deceased was exhumed and the skull has been sent for forensic examination, thereby, the investigation is pending. He also submits that six



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 and that the co-accused has been enlarged on bail, 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 (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Uthukottai**, and on further conditions that:

**[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;



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[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.

23.01.2025

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To

1. The District Munsif cum Judicial Magistrate,
Uthukottai.
2. The Inspector of Police,
Uthukkottai Police Station,
Thiruvallur District.
3. The Superintendent,
Central Prison – II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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