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Crl.O.P.No.1782 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.1782 of 2025

S.Vasanthakumar

... Petitioner(A1)

Vs.

The State represented by,
Inspector of Police,
Ambur Taluk Police Station,
Tirupattur District.
(Crime No.626 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.626 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

For Intervenor : Mr.R.Murugabharathi

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 20.09.2024, seeking bail in Crime No.626 of 2024 registered for the offence under Sections 140(1), 103(1)



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of BNS, 2023.

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2. The case of the prosecution is that the petitioner and the defacto complainant are known persons, there was a previous enmity due to money dispute. It is further the case of the prosecution that the petitioner had matrimonial difference with his wife and the defacto complainant used to mediate between the petitioner and his wife; that the petitioner's wife left the matrimonial home, that suspecting that the defacto complainant was responsible for the same, the petitioner caused the death of the children of the defacto complainant.

3. Learned counsel appearing for the petitioner submitted that the petitioner is in custody from 19.09.2024 and the investigation has been completed and the case is pending committal before the learned Additional District Munsif Cum Judicial Magistrate, Ambur, Tirupathur. He further submitted that the prosecution case is sought to be proved through circumstantial evidence and in any case, the further custody of the petitioner is not required for the purpose of investigation.

4. Learned Government Advocate (Crl.Side) submitted that the



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investigation revealed the involvement of the petitioner, who had caused the death of two children of the defacto complainant and had thrown the bodies behind the temple.

5. The learned counsel for the defacto complainant/intervenor opposes the grant of bail to the petitioner as the offence committed by the petitioner is very serious.

6. 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.

7. Admittedly, the petitioner is in custody from 19.09.2024 and the case is pending committal in P.R.C.No.02 of 2024 on the file of the learned Additional District Munsif Cum Judicial Magistrate, Ambur. It is for the prosecution to establish the case before the trial Court. Though the offence committed by the petitioner is grave, the respondent is unable to justify the further detention of the petitioner during trial. Considering, the aforesaid facts; period of incarceration; and that since further custody is not required for the purpose of investigation, this



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Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 **Additional District Munsif Cum Judicial Magistrate, Ambur**

[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 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



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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.

06.02.2025

Sma
To

1. Additional District Munsif Cum Judicial Magistrate, Ambur
2. Inspector of Police,
Ambur Taluk Police Station,
Tirupattur District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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