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Crl.O.P.No.1997 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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

Crl.O.P.No.1997 of 2025

P.Kumar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
(Crime No.235 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.235 of 2024, pending investigation on the file of
the respondent Police.

For Petitioner : Mr.S.Thankira

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

ORDER

Petition seeking bail in respect of Crime No.235 of 2024 registered
for the alleged offences punishable under Sections 296(b), 115(2), 351(3) of
BNS @ Sections 296(b), 125 of BNS @ 296(b) & 105 of BNS , is on board
for consideration.



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2. The incarceration of the petitioner being from 18.11.2024 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 incident was happened only during the scuffle between the petitioner and the victim. He further submits that the petitioner and the victim are friends and a business partners, therefore, there is no intention or motive on the part of the petitioner to cause the death of his friend. He also submits that even as per the prosecution, the alleged incident happened on 06.10.2024 and the victim died after a month on 17.11.2024. He further submits that the petitioner is suffering incarceration for more than 70 days and he is 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 the petitioner and the de facto complainant/deceased are friends and they were doing a business and on the alleged date of occurrence i.e., on 06.10.2024, the petitioner had abused the de facto complainant and pushed him in a pit, due to which, the de facto complainant sustained grievous injuries and admitted to a hospital. Based on



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the complaint, given by the de facto complainant, the case came to be registered and later, on 17.11.2024, the de facto complainant died without responding to the treatment, thereby, the offence has been altered. He further submits that the case is under investigation.

4. Having heard the learned Senior Counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and also considering the period of incarceration undergone by the petitioner, 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Pennagaram, Dharmapuri 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 petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;



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[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 of B.N.S.

30.01.2025

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To

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

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