



Crl.O.P.No.2209 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.2209 of 2025

Aatheeswaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Palladam.
(Crime No.763 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 the Crime No.763 of 2024, on the file of the respondent Police.

For Petitioner : Mr.M.Krishen

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

ORDER

Petition seeking bail in respect of Crime No.763 of 2024 registered for the offences punishable under Sections 103(1) @ 103(1), 191(2), 191(3), 249(2) and 61(2) of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A7 being from 10.10.2024 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 further submits that there is no eye witness to the occurrence, however, the petitioner was implicated only based on the confession statement recorded from the other accused. He further submits that even as per the prosecution, the petitioner had assisted the other accused only by giving vehicles to them and he has nothing to do with the alleged offence. He also submits that when the petitioner was taken under police custody, he sustained fracture in his leg and he is taking treatment for the same in the prison hospital. He also submits that the case has been taken up for trial in S.C.No.31 of 2025 and the petitioner is suffering incarceration for more than 100 days. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he also undertakes that he will cooperate for speedy disposal of the trial.

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 based on the complaint given by the de facto complainant/Village Administrative Officer of Naranapuram Village, Palladam, that a body of the



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unknown male aged about 30 to 35 years was found at Palladam to Tiruppur Main Road near Karaiyampudur with multiple cut injuries, the case came to be registered under Section 103(1) of BNS on 08.08.2024 and later, during the course of investigation, it was found that as a retaliation for the murder of A11's son by the deceased/victim, the accused had conspired together and murdered the victim by brutally assaulting him with machete. Therefore, the case has been altered to one under Sections 103(1), 191(2), 191(3), 249(2) and 61(2) of BNS. He further submits that the petitioner/A7 had assisted the other accused by giving stolen car and two wheeler to the other accused. He also submits that the case has been taken up for trial in S.C.No.31 of 2025 on the file of the learned II Additional District Judge, Tiruppur and the case now stands posted on 14.02.2025.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the nature of allegation against the petitioner and taking note of the period of incarceration undergone by him, 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



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bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (out of which, one of the sureties should be the blood related surety of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Palladam**, 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 learned II Additional District Judge, Tiruppur, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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]***;



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[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 II Additional District Judge, Tiruppur.
2. The Judicial Magistrate,
Palladam.
3. The Inspector of Police,
Palladam Police Station,
Palladam.
4. The Superintendent,
Central Prison, Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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