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Crl.O.P.N.2428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2428 of 2025

Aravinthan

... Petitioner

Vs.

The State Represented by,
The Station House Officer,
Bahour Police Station,
Puducherry District.
(Crime No.140 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.140 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. M.P. Yuvaraj

For Respondent : Public Prosecutor (Puducherry)



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ORDER

Petition seeking bail in respect of Crime No.140 of 2024 registered for the alleged offences punishable under Sections 61(2)(a), 191(2), 191(3), 126(2) and 103(1) r/w 190 of BNS, 2023, is on board for consideration.

2. The case of the prosecution is that, the defacto complainant is a Village Administrative Officer, Soriankuppam lodged a complaint before the respondent police stating that, on 25.11.2024, the defacto complainant found a dead body lying upside down with blood injury on its head and body under the sub way near Soriyampalayam Bridge. Upon enquiry and investigation, it has been found that the petitioner and other accused/ A1 abducted the deceased/ Dhinakaran from an Arrack shop in A1's auto bearing Registration No.TN-33-AA-1715 and attacked the deceased to death and put the dead body in NH road subway, Soriankuppam, Puducherry. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and falsely implicated in this case, based on the confession statement and he has not committed any offence as alleged by the prosecution. He also submitted that the petitioner has been arrested and



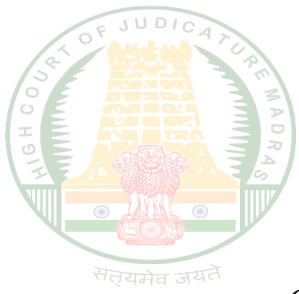
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remanded to Judicial custody on 12.12.2024 and the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, therefore, prayed to grant bail to the petitioner.

4. Learned Public Prosecutor (Puducherry) appearing for the respondent police, while opposing for granting of bail to the petitioner/ A2 submitted that, due to dispute between the deceased and the petitioner herein in the arrack shop, he along with other accused abducted the deceased from arrack shop in A1's auto, wrongfully confined, attacked and caused death to the deceased, thereafter, taken the dead body from Semman Kori to Soriankuppam in the auto and put the dead body in NH Road subway, Soriankuppam. He also submitted that the petitioner has no previous cases and the present case is under investigation.

5. Heard the learned counsel appearing for the petitioner, the learned Public Prosecutor (Puducherry) for the respondent Police and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, considering the nature of offence alleged, the submissions made by the learned counsels on either side, considering the period of incarceration, the fact that the petitioner has no previous case and in any case, since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 surety shall be a blood related surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.VII, Puducherry** 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 10.30 a.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.

03.02.2025

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SUNDER MOHAN, J.

stn

To

1. The Judicial Magistrate No.VII,
Puducherry.
2. The Station House Officer,
Bahour Police Station,
Puducherry District.
3. The Superintendent,
Central Prison Kalapet, Puducherry.
4. The Public Prosecutor (Puducherry)
High Court of Madras.

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