



WEB COPY



Crl.O.P.No.2429 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2429 of 2025

Kamal Raj @ Kamal

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
H8, Thiruvottiyur Police Station.
(Crime No.1429 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.1429 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Mukesh Kannah

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 15.11.2024, seeking bail in Crime No.1429 of 2024 registered for the offence under Sections 61(2), 126(2), 296(b), 115(2), 132, 109, 351(3) BNS r/w 25(1A)



WEB COPY

2. The case of the prosecution is that the petitioner and other accused had entered into a conspiracy to cause the death of a person, who was involved in the murder of the deceased by name Armstrong. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 15.11.2024 and his further custody is not required, and in any case, the co-accused/A3 has been released on default bail, since the respondent has not filed the final report. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the bail petition, reiterated the prosecution case and on instructions, confirmed that the co-accused, who were arrested along with the petitioner were released on default bail,



CrI.O.P.No.2429 of 2025

since the respondent has not filed the final report.

WEB COPY



WEB COPY

5. 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.

6. Considering the aforesaid facts, the nature of allegations, period of incarceration, the fact that the co-accused arrested on the same day was released on default bail and since further custody 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvottiyur.**

[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;



Crl.O.P.No.2429 of 2025

[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 B.N.S.

17.02.2025

ars



WEB COPY



Crl.O.P.No.2429 of 2025

SUNDER MOHAN., J.

ars

To

1. The Judicial Magistrate,
Thiruvottiyur
2. The Inspector of Police,
H8, Thiruvottiyur Police Station.
3. The Superintendent,
Central Prison-II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.2429 of 2025

(2/2)

17.02.2025