



Crl.O.P.No.2354 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2354 of 2025

1. Mickel Pusparaj
2. Arokiyasamy

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
(Crime No.526 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.526 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Parthikannan

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 16.11.2024, seeking bail in Crime No.526 of 2024 registered for the offence under Section 103(1) of BNS.



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2. The case of the prosecution is that, A1 had suspected his first wife and hence he, the deceased along with other accused had murdered his first wife and making it appear as an accident, that a case was registered in Crime No.184 of 2019; that whileso the deceased demanded money from A1 and also failed to vacate the house of the petitioner and enraged over the same, A1 and his present wife engaged the other accused and assaulted the deceased, due to which, deceased died. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 05.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail reiterated the prosecution case and submitted that the petitioner does not deserve any indulgence. He further submitted that there is no previous case against the petitioners.



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5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of overt act against the petitioners, period of incarceration, the fact that A2 and A5 have already been released on bail and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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, Sulur**, 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;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

03.02.2025

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To

1. The Judicial Magistrate,
Sulur.
2. The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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