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Crl.O.P.No.2786 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2786 of 2025

Suryaprakash @ Surya

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Nallur Police Station, Thiruppur City,
Tiruppur District.
(Crime No.11 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.11 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.D.Sugumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.01.2025, seeking bail in Crime No.11 of 2025 registered for the offence under Sections 108, 194 of BNS @ 108



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of BNS.

2. The case of the prosecution is that the defacto complainant's son, who was studying in a college, committed suicide on 04.01.2025 at about 5.00 a.m., and that on the previous day, he looked very disturbed and when the defacto complainant questioned him, he replied that he was ridiculed and assaulted by some of his college-mates and in particular, by the petitioner herein. A case was initially registered for the offence under Sections 108 and 194 of BNS, which was later altered to Section 108 of BNS.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that in any case, the petitioner has not committed any positive act to abet the commitment of suicide; that he is in custody from 18.01.2025 and since, his further custody is not required for the purpose of investigation, he may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police *per contra* submitted that the investigation revealed that the petitioner had ridiculed the defacto complainant's son the previous day in college



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and that there are no previous cases against the petitioner.

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. This Court is of the view that it is for the prosecution to establish whether any positive act was committed by the petitioner to abet the commission of suicide in the trial Court and hence, the petitioner's further custody is not required for the purpose of investigation.

7. Therefore, considering the above facts, the nature of allegations and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 No.IV, Thiruppur** and on further conditions that:



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[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;

[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.

05.02.2025

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To

1. The Judicial Magistrate No.IV,
Thiruppur.
2. The Inspector of Police,
Nallur Police Station,
Tiruppur 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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