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Crl.O.P.No.2744 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.2744 of 2025

Saran

... Petitioner/A8

Vs.

The State represented by,
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No.815 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.815 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Palanivel

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 04.12.2024, seeking bail in Crime No.815 of 2024 registered for the offence under Section 103 (1) of BNS Act.



Crl.O.P.No.2744 of 2025

WEB COPY

2. The case of the prosecution is that A1 and A2 had an illicit affair; that the deceased was A1's husband; and that on the instigation of A1, A2 decided to do away with the deceased and in turn engaged A4 to A8, to cause the death of the deceased and accordingly, the deceased was done to death on 01.12.2024 by A4 to A8. The petitioner herein is A8 and the allegation against him was that he had watched the movements of the deceased and informed the other accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner has no previous cases; that he has been falsely implicated; and that considering the period of incarceration, he may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police *per contra* submitted that the petitioner/A8 was engaged to watch the movements of the deceased; that there are no previous cases against the petitioner; and that the investigation is pending.

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.



Crl.O.P.No.2744 of 2025

WEB COPY

6. Considering the *overt act* attributed to the petitioner, the fact that the petitioner has no previous cases and that his 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, Avinashi** 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;

[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



Crl.O.P.No.2744 of 2025

WEB COPY

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

ars

To

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



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Crl.O.P.No.2744 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.2744 of 2025

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