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Crl.O.P.No.2722 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2722 of 2025

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... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District.
(Crime No.431 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.431 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Harish

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 18.12.2024, seeking bail in Crime No.431 of 2024 registered for the offence under Sections 85 & 109(1) of BNS



Crl.O.P.No.2722 of 2025

altered to 85 & 103(1) of BNS.

2. The case of the prosecution is that the petitioner and the daughter of defacto complainant had a love affair, pursuant to which, they got married on 10.07.2024 in a temple; that thereafter there was a matrimonial discord; that on 14.12.2024 at 1.30 a.m, the petitioner had banged the deceased on the wall, as a result of which, she fell unconscious, taken to the hospital and thereafter, succumbed to the injuries, two days later i.e., on 16.12.2024.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that in any case considering the period of incarceration; and since 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 submitted that the allegations are true and the petitioner is involved in the offence and opposed the bail petition.

5. Heard the learned counsel appearing for the petitioner and the learned



Crl.O.P.No.2722 of 2025

Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the fact that the petitioner is in custody from 18.12.2024; that so far the respondent had not taken the petitioner in police custody; and that since, 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 No.II, Tiruvannamalai** 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



Crl.O.P.No.2722 of 2025

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.

12.02.2025

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To

1. The Judicial Magistrate No.II,
Tiruvannamalai.
2. The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.2722 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.2722 of 2025

12.02.2025