



Crl.O.P.No.2742 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.2742 of 2025

Sivakumar

... Petitioner/A2

Vs.

The State represented by,
The Inspector of Police,
Valathy Police Station,
Villupuram District.
(Crime No.464 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.464 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.R.Appaswamee

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 24.12.2024, seeking bail in Crime No.464 of 2024 registered for the offence under Sections 103 and 238 of BNS



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Act, 2023.

2. The case of the prosecution is that the petitioner/A2 and the deceased belonged to the same village; that the petitioner/A2 along with A1 and the deceased had consumed alcohol; that there was a wordy quarrel between them, pursuant to which, A1 pushed the deceased into a well and caused the death of the deceased; and that initially, a case was registered for 'man missing' and subsequently, altered to the offence under Section 103 and 238 of BNS.

3. The learned counsel appearing for the petitioner would submit that even if the prosecution case is accepted to be true, the petitioner is not guilty of the offence; that the occurrence took place after a sudden quarrel and the petitioner is therefore, innocent; 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 on instructions confirms the fact that the occurrence took place after a quarrel, while the petitioner, A1 and the deceased were consuming alcohol and A1 pushed the deceased into the well and caused his death.



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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 nature of the allegations levelled against the petitioner, the period of incarceration and 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, Gingee** 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;



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[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,
Gingee.
2. The Inspector of Police,
Valathy Police Station,
Villupuram District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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