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Crl.O.P.No.2840 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2840 of 2025

Sivagaskumar

... Petitioner/A2

Vs.

The State represented by,
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri – 635 306.
(Crime No.448 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.448 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Parventhan

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 03.11.2024, seeking bail in Crime No.448 of 2024 registered for the offence under Sections 281 and 106 and Section 103 of BNS Act.



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2. The case of the prosecution is that A3 was the wife of the deceased and A4 was their daughter; that since, the deceased suspected the character of A3, she wanted to do away with the deceased and sought the help of the petitioner/A1 and A2, who in turn engaged A5 to A7 to cause the death of the deceased and accordingly, the deceased was done to death by A5 to A7 on 24.10.2024; and that initially a case was registered under Sections 281 and 106 of the BNS and later altered to Section 103 of the BNS.

3. The learned counsel appearing for the petitioner would submit that the case is based on circumstantial evidence; that the petitioner has been falsely implicated. He further submitted that, co-accused has been granted bail by this Court in Crl.O.P.No.2825 of 2025. He further submitted that the petitioner is in custody from 03.11.2024 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) confirms the fact that the co-accused had been granted bail by this Court.



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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. This Court finds that by the order dated 13.12.2024 in Crl.OP.No.30814 of 2024, one of the accused/A4 was released on bail and further, this Court had granted bail to A6 by the order dated 03.02.2025 in Crl.O.P.No.2357 of 2025 and for A1 on 06.02.2025 in Crl.O.P.No.2825 of 2025.

7. Therefore, taking into consideration the above facts, the period of incarceration 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.

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, Uthangarai** 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.

06.02.2025

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To

1. The Judicial Magistrate,
Uthangarai
2. The Inspector of Police,
Uthangarai Police Station,
Krishnagiri – 635 306
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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