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Crl.O.P.No.3710 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3710 of 2025

1.Devanathan

2.Suriyaprakash

3.Thanigavel @ Thanigaivelu

4.Elangovan

5.Ravichandran

... Petitioners

Vs.

The State represented by,
The Station House Officer,
Kullanchavadi Police Station,
Cuddalore District.

(Crime No.312 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.312 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Ragul Kousik

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

Petition seeking bail in respect of Crime No.312 of 2024, registered for the offences punishable under Section 194(1) of BNSS and altered into Sections 103 and 238 of BNS, is on board for consideration.

2. The incarceration of the petitioner being from 31.12.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He would submit that this is the second application for bail and that the earlier application was dismissed on the ground that the investigation was on the initial stage. He would submit that the petitioners' name does not find a place in the F.I.R and initially, based on the complaint given by the defacto complainant that her husband, who had gone out of the house on the night hours, did not return home and later his body was found near Puthuthangal Eri with injuries on 26.12.2024 at 07.00 a.m, a case has been registered against the petitioners herein. Further, he would submit that only during the course of the investigation, it has come to light that the petitioners are the assailants. He would submit that other than the alleged confession said to have been recorded from A1 that he had assaulted the victim under the mistaken impression that he was a thief, who has trespassed into the



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farm, due to which he had passed away and subsequently, the other accused have helped him to screen the evidence, there is no other material. He would further submit that the petitioners do not have any bad antecedents and they have been implicated only on suspicion. He would submit that the major part of the investigation is over and the petitioners are ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 25.12.2024, during the night time, the victim had gone into the farm of A1 to pluck jack fruits. During such time, A1 caught him and assaulted him with a wooden log, resulting him in sustaining injuries and he died on the spot. Later, the other accused helped A1 to dispose the body. He would also submit that the investigation is pending.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and that the major part of the investigation is over, this court is inclined to grant bail to the petitioners with certain conditions and



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accordingly, the petitioners are ordered to be released on bail on them executing separate 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 **District Munsif Cum Judicial Magistrate, Kurinjipadi** 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 petitioners shall report before the respondent police everyday at 05.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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



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can be registered under Section 269 of B.N.S.

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Anu

To

- 1.The District Munsif Cum Judicial Magistrate, Kurinjipadi
- 2.The Station House Officer,
Kullanchavadi Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison, Cuddalore
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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