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Crl.O.P.No.4567 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4567 of 2025

Vinayagamoorthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.
(Crime No.8 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.8 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who were arrested and remanded to judicial custody on 07.01.2025, seeking bail in Crime No.8 of 2025 registered for the offence under Sections 103 of BNS Act (under Section 302 of IPC).



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2. The case of the prosecution is that the deceased and the petitioner were known to each other and that the deceased used to tease the petitioner, humiliated by the same, petitioner questioned the deceased and due to which, there arose a wordy altercations between them and that on the date of the occurrence, petitioner said to have pressed the neck of the deceased with his elbow, as a result of which the deceased fell on the ground and declared dead on the way to hospital. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are totally false. He further submitted that the petitioner is in custody from 07.01.2025 and since further custody is not required, the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the deceased died on the way to the hospital. He further submitted that the petitioner has no previous case.



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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 allegations against the petitioner; period of incarceration; no previous case and since 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,Alandur, Chennai.**

[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;



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[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.

20.02.2025

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To

1. Judicial Magistrate No.II, Alandur, Chennai.
2. The Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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