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Crl.O.P.No.3876 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3876 of 2025

Kumaresan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kandii Police Station,
Thirupathur District.
(Crime No.621 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.621 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Shanmugam

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 14.12.2024, seeking bail in Crime No.621 of 2024 registered for the offence under Sections 194(1) of BNSS altered into Sections 64 and 103(1) of BNS (IPC 376, 302)



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2. The case of the prosecution is that A1 had illicit relationship with the deceased and she also had illicit intimacy with the petitioner, enraged over the same, the A1 had strangled the deceased on 11.12.2024, as a result A1 died. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that, even as per the prosecution case, petitioner had not involved in the alleged offence of murder and the allegations are only as against A1. He further submitted that the petitioner is in custody from 14.12.2024 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 A1 had strangled the deceased suspecting that she had illicit relationship with the petitioner.

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.



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6. Considering the nature of allegation against A1 and there is no specific overt act against the petitioner; period of incarceration; 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.2, Thirupathur.**

[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;



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[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.

17.02.2025

Sma
To

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



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SUNDER MOHAN., J.

Sma

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