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Crl.O.P.No.4048 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.4048 of 2025

1. Krishnan
2. Aravindswamy
3. Elumalai ... Petitioners/A1 to A3

Vs.

The State represented by,
The Inspector of Police,
Gingee Police Station,
Villupuram District.
(Crime No.30 of 2025). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.30 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.R.Appaswamee
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition have been filed by the petitioners, who were arrested and remanded to judicial custody on 18.01.2025,



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seeking bail in Crime No.30 of 2025 registered for the offence under Sections 296(b), 115(2), 109(1), 351(3), 103(1) of BNS (Under Section 294(b), 321, 307, 506(ii) and 302 of IPC).

2. The case of the prosecution is that on account of prior property dispute on 17.01.2025, the petitioners attacked the victim with wooden logs and sickle, as a result of which, the deceased sustained injuries and died.

3. The learned counsel appearing for the petitioners would submit that the allegations against the petitioners are false and in any case, further custody is not required for the purpose of investigation and considering the period of incarceration, they may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterating the prosecution case submitted that A1 had attacked the deceased with a sickle, which caused the fatal injury; that the investigation is pending and opposed the bail petition.



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5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegations, relationship between the parties, the period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners. However, since the petitioners are neighbours, this Court is of the view that the petitioners may be directed to stay elsewhere for sometime.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** 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;



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[b] the petitioners shall stay at Chennai and report before the Inspector of Police, B-1, North Beach Police Station, Parrys, Chennai, everyday at 10.30 a.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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

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SUNDER MOHAN., J.

ars

To

1. The Judicial Magistrate,
Gingee.
2. The Inspector of Police,
Gingee Police Station,
Villupuram District.
3. The Inspector of Police,
B-1, North Beach Police Station,
Parrys, Chennai,
4. The Superintendent,
Central Prison, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

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