



Crl.O.P.No.4548 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.4548 of 2025

1. Ashok
2. Seenivasan
3. Siva

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Jolarpet GRP (Railway Police Station),
Thirupathur District.
(Crime No.3 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.3 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.E.Kannadasan

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 07.01.2025, seeking bail in Crime No.3 of 2025 registered for the offence under Sections 194(b) of BNSS 2023 subsequently altered into Section 103(2) of BNS, 2023 (Under Section 174 of Cr.P.C. @ 302 of IPC).



Crl.O.P.No.4548 of 2025

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2. The case of the prosecution is that A1 had borrowed money from the defacto complainant and that he had failed to repay the amount, for which the defacto complainant had taken away the bike of A1 and also abused in filthy language, enraged by the same, A1 called the defacto complainant for consuming alcohol and thereafter, A1 with the help of the petitioner and other accused strangled the deceased with the help of the towel and also disposed the body in the railway track. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the case was originally registered for the offence under Section 174 of Cr.P.C., subsequently it was altered to Section 302 of IPC. He further submitted that the petitioners are in custody from 07.01.2025 and since further custody is not required, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the case is based on the circumstantial evidences. He further submitted that the petitioner has no previous case.



Crl.O.P.No.4548 of 2025

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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 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 petitioners with certain conditions.

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)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tirupattur.**

[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 10.30 a.m., until further orders;



Crl.O.P.No.4548 of 2025

[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.

20.02.2025

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CrI.O.P.No.4548 of 2025

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To

1. Judicial Magistrate No.I, Tirupattur.
2. The Inspector of Police,
Jolarpet GRP (Railway Police Station),
Thirupathur District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.4548 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.4548 of 2025

20.02.2025