



Crl.O.P.No.4782 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4782 of 2025

Muthukumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avinashi Police Station,
Tiruppur.
(Crime No.817 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.817 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

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 04.12.2024 seeking bail in Crime No.817 of 2024 registered for the offence under Sections 118(1) & 351(3) of BNS [Section 324 & 506(ii) of IPC] altered into Sections 109 and 351(3) of



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BNS [Section 307 & 506(ii) of IPC] and subsequently altered into Sections 103(1) and 351(3) of BNS [Sections 302 & 506(2) of IPC].

2. The case of the prosecution is that the deceased had borrowed some money from the accused and the same was not repaid, due to which, there is a previous enmity between them and on the date of occurrence, accused had called the deceased for consuming liquor and at that time, petitioner along with other accused assaulted the defacto complainant using deadly weapons. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, petitioner is in custody from 04.12.2024 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, apart from this case, petitioner has one previous case under NDPS Act and in that case, petitioner is on bail.



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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 period of incarceration; petitioner is on bail in other cases 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, Avinashi.**

[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.

24.02.2025

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To

1. Judicial Magistrate, Avinashi.
2. The Inspector of Police,
Avinashi Police Station,
Tiruppur.
3. The Superintendent,
Central Prison, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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