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Crl.O.P.No.5856 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5856 of 2025

Selvavenugopal

...Petitioner/Accused 2

Vs.

State rep by
The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.

(Crime No.447 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.447 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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 06.09.2024, seeking bail



in Crime No.447 of 2024 registered for the offence under Sections 296(b), 115(2) and 351(2) of BNS @ 105 of BNS.

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2.It is the case of the prosecution that the petitioner along with the other accused had picked up a quarrel with an unknown person; that they had abused him in filthy language and A1 had strangled him and A2/the petitioner herein had kicked him on his right side and ear and caused death of the deceased. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and there is no previous case pending against the petitioner and in any case, considering the period of incarceration undergone by the petitioner from 06.09.2024, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that initially the case was registered for the offences under Sections 296(b), 115(2) and 351(2) of BNS and thereafter, the same has been altered to Section 105 of BNS. He further submitted that investigation has been completed and charge sheet has also been filed and that no previous case is pending against the petitioner.



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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, the fact that investigation has been completed and final report has been filed and no previous case is pending against the petitioner and since further custody of the petitioner 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 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 **Judicial Magistrate – I, Dharmapuri**, 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;



[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.

03.03.2025

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- 1.The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District
- 2.The Judicial Magistrate – I, Dharmapuri.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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