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Crl.O.P.No.5857 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5857 of 2025

Pichaiyappa

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.

... Respondent

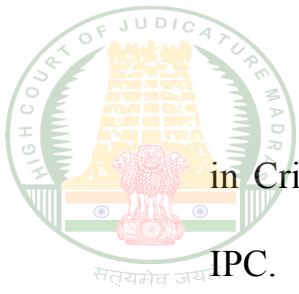
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in S.C.No.219 of 2024 in Crime No.931 of 2022 on the file of the Additional District and Sessions Court – IV, Ponneri.

For Petitioners : M/s.R.Saritha

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 10.01.2023, seeking bail



in Crime No.931 of 2022 registered for the offence under Section 302 of IPC.

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2.It is the case of the prosecution that the petitioner and the deceased are brothers; that they came in a lorry and picked up a quarrel and both of them got down from the lorry; that the deceased is said to have thrown stones and caused damages to the windshield of the lorry; and that thereafter, the petitioner had started the lorry and dashed against the deceased, due to which the deceased died. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false and the complaint was lodged at the instance of the Village Administrative Officer and there is no previous case against the petitioner and in any case, considering the period of incarceration of the petitioner from 10.01.2023, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that investigation has been completed and final report has been filed; that the case is now posted for examination of witnesses 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 nature of allegations, 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 **Additional District and Sessions Court – IV, Ponneri**, 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 Trial Court 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,
M-3, Puzhal Police Station,
Chennai.
- 2.The Additional District and Sessions Court – IV, Ponneri.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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