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Crl.O.P.No.6061 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6061 of 2025

Manikandan

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Molasi Police Station,
Namakkal District.
(Crime No.113 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.113 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

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 07.02.2025, seeking bail in Crime No.113 of 2024 registered for the offence under Sections 194 BNSS (174 of Cr.P.C) @ 61(2), 3(5), 103(1), 238 of BNS, 2023 [120-B, 34, 302, 201 of IPC].



Crl.O.P.No.6061 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner(A1) is the brother of the deceased; that since the deceased had illicit intimacy with another person, A1 conspired with the other accused had caused the death of the deceased in order to get the share of the property belonging to the deceased. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the co-accused were granted bail by this Court; that the petitioner is in custody from 07.02.2025 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the fact that the co-accused were granted bail by this Court.

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.



Crl.O.P.No.6061 of 2025

WEB COPY

6. Considering, the nature of allegation; period of incarceration; the fact that the co-accused were granted bail by this Court 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 is 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, Kumarapalayam** 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;

[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;



CrI.O.P.No.6061 of 2025

WEB COPY

[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.

27.03.2025

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To

1. Judicial Magistrate, Kumarapalayam.
2. The Inspector of Police,
Molasi Police Station,
Namakkal District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6061 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.6061 of 2025

27.03.2025