



Crl.O.P.No.7572 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7572 of 2025

Sobith Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Deewattipatty Police Station,
Salem.
(Crime No.602 of 2022).

... Respondents

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.602 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Raja

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 27.12.2022, seeking bail in Crime No.602 of 2022 registered for the offences under Sections 394 read with Sections 397 & 302 of IPC.



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2. The case of the prosecution is that the defacto complainant's husband/deceased was running a iron scrap business in the name of Kumaran Traders, while so, on 27.12.2022, the accused, who were working under the husband of the defacto complainant, had committed murder of the defacto complainant's husband deceased, in order to commit looting. Hence, the case.

3. The petitioner was originally arrested on 28.12.2022; that his first bail application was dismissed by the Hon'ble Justice Mr.A.D.Jagadish Chandra on 27.06.2023 on the ground that, it is a case of murder for gain. Thereafter, Hon'ble Mr.N.Anand Venkatesh had modified the onerous condition imposed by the trial Court which granted bail under Section 167(2) of Cr.P.C. The petitioner was once again arrested pursuant to the Non Bailable Warrant issued to the petitioner on 20.09.2023. While the trial was pending, the learned I Additional District Judge, Salem had transferred the case to the Juvenile Justice Board for trial, since he found that the petitioner was minor at the time of the occurrence. It is now reported that the petitioner is facing trial before the Juvenile Justice Board.

3. Learned counsel appearing for the petitioner submitted that the



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petitioner is in custody from 27.12.2022; and that further custody is not required. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the aforesaid facts. He further submitted that the case is posted for examination of witnesses.

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 aforesaid facts; the period of incarceration; and since further custody is not required, 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 **Juvenile Justice Board, Salem** and on further conditions that:



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[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 Juvenile Justice Board, Salem 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;

[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.

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To

1. Juvenile Justice Board,
Salem.
2. The Inspector of Police,
Deewattipatty Police Station,
Salem.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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