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CRL OP No. 18446 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18446 of 2025

NAYEEM

Petitioner

Vs

The State Rep By, The Inspector Of
Police
Anuparpalayam Police Station,
Tiruppur City. Crime No.133 of 2024.

Respondent

PRAYER Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner/Accused-1 on bail in Crime No.133 of 2024 in S.C.No.106 of 2024 pending on the file of the respondent police.

For Petitioner: Mr.Ayyachamy P.

For Respondent: Mr.R.Vinothraja
Government Advocate (Crl.side)

**ORDER**

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 21.02.2024, seeking bail in Crime No.133 of 2024 registered for the offence under Sections 302 & 201 of IPC.

2.The case of the prosecution is that the defacto complainant is the elder brother of the deceased. His brother and the petitioner and other accused are friends. His brother and his friends have an idea to start a fast food hotel. While so, when he went to attend his friend's sister marriage, not returned to home and on search of his brother, the defacto complainant found his dead body at Avinasikoundampalayam. On enquiry, he came to know that out of enmity in business, the petitioner along with other accused said to have brutally murdered his brother. Hence, the complaint was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that this is the fifth petition seeking for bail. He would submit that he has been falsely implicated in this case as if he actively participated in planning to murder the



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deceased, who is the brother of defacto complainant and murdered him along with other accused. In fact, due to previous enmity, he was falsely implicated in this case and he has not at all committed any offence as alleged in the complaint and he is no way connected with the alleged offence. He would submit that investigation is almost completed and he is ready to comply with the condition imposed by this Court and he is having school going children. He would submit that charge sheet has been filed in S.C.No.106/2024 and also co-accused was released on bail. He would also submit that the petitioner has been suffering incarceration for almost 455 days. Hence, he prays to grant bail to the petitioner.

4.The learned counsel for the Intervenor/defacto complainant strongly opposed the consideration of the bail application since the murder is an brutal one. The petitioner hails from the State of Kerala and he studied in Punjab and now presently residing in Thiruppur. The petitioner earlier admitted in the Tanjore hospital and at that time, he had given his name as Armaan. The petitioner is involved in nefarious activities, hence he is not disclosing the true identity name. There was some financial dispute between the petitioner and the

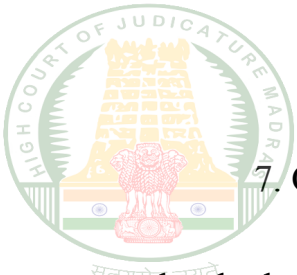


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petitioner taken the deceased in an isolated place and thereafter he had committed the murder in a most brutal manner. Further, he had also taken steps to conceal the body of the deceased after the murder in aid of the other accused including his wife/A3. If the petitioner is granted bail he would abscond and the trial would get stalled and in any event the trial itself can be completed within a period of two months. Further the petitioner would also tamper with the witnesses.

5.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is arrayed as A1 in this case and the investigation has been completed and the charge sheet is also filed and now the trial is commenced. In the trial, 11 witnesses have been examined and the 60 witnesses are yet to be examined in this case. Apart from the petitioner, A2 to A5 have been arrested and later they were granted bail.

6.Heard both sides and perused the materials available on record.



7. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Thiruppur** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall appear before the trial Court on every Monday at 10.30 a.m., and on all the hearing dates without fail;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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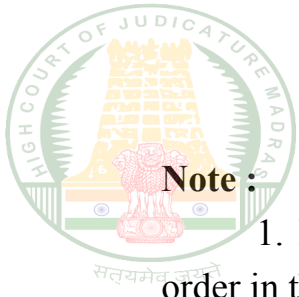
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this

Court will be watermarked and will also have a QR code.



To
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1.The State Rep By, The Inspector Of
Police

Anuparpalayam Police Station,
Tiruppur City. Crime No.133 of 2024.

2.The Judicial Magistrate No.III,
Thiruppur

3.Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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