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CrI.O.P.No.6988 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.6988 of 2025

Arumugam

... Petitioner/A2

Vs.

State Rep. by the Station House Officer

Oomangalam Police Station

Cuddalore District. (Crime No.10 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.10 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.Leonard Arul Joseph Selvam

Learned Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 21.01.2025, seeking bail in Crime No.10 of 2025 registered for the offence under Section 103, 238 of BNS.

2.The case of the prosecution is that A1, the deceased and one Prabakaran were friends, that on 15.01.2025 they all went together to consume liquor, that there was a wordy quarrel; that Prabakaran thereafter left from the place; that A1 is said to have stabbed the deceased and caused his death; that to screen the offence A1 poured petrol on the body of the deceased and set it on fire; that A1 had informed his brother, who is A2/petitioner herein that he had left his phone at the scene of occurrence and they both went to the scene of occurrence and



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they found that the body was partially burnt and they set the body on fire again.

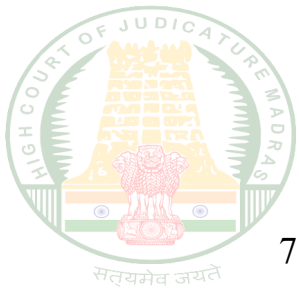
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3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 21.01.2025 and except the confession of the co-accused there is no materials to connect him with the accused. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate further submitted that A2's presence is not only spoken to by A1 in his confession, but also by other eyewitnesses.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the materials available on record.

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, the fact that admittedly the petitioner was not involved in the alleged offence of murder, the overt act attributed to the petitioner, and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 District Munsif cum Judicial Magistrate, Neyveli, 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;

[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 of B.N.S.

12.03.2025

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To

1.The District Munsif cum Judicial Magistrate,
Neyveli

2.The Station House Officer
Oomangalam Police Station
Cuddalore District.

3.The Superintendent,
Sub Jail, Tiruvannamalai

4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
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