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Crl.O.P.No.7465 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7465 of 2025

Samuel Ebinezer

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirumullaivoyal Police Station,
Avadi City,
Chennai.
(Crime No.37 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.37 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Intervenor : Mr.Raghunath

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 31.01.2025, seeking bail in Crime No.37 of 2025 registered for the offence under Sections 194 of BNSS @ 103(1), 238(a) of BNS [Section 174 of Cr.P.C @ Section 201 and 302 of IPC].



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2. The case of the prosecution is that the petitioner and the defacto complainant met each other; that thereafter they had live-in relationship in the house, where the defacto complainant's father was also living; that the petitioner wanted to go abroad, which was refused by the defacto complainant; that one day prior to the occurrence, defacto complainant's father, who was aged about 78 years died; that the defacto complainant assuming that the petitioner was responsible for the death of her father, quarrelled with the petitioner and tore his passport; that enraged over the same, petitioner abused the deceased, assaulted by hitting her head against the wall, as a result of which deceased sustained grievous injuries and died and thereafter, petitioner switched on the Air-conditioner and left the place. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a Doctor and the allegations are false and in any case the petitioner is in custody from 31.01.2025; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the custodial interrogation of the petitioner has been completed.

5. Learned counsel appearing for the Intervenor submitted that the defacto complainant is the uncle of the deceased. He vehemently opposed for grant of bail to the petitioner.

6. 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.

7. Considering, that nature of allegation against the petitioner, the period of incarceration; 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.

8. 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



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two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Ambattur** 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 B.N.S.

19.03.2025

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To

1. Judicial Magistrate, Ambattur.
2. The Inspector of Police,
Thirumullaivoyal Police Station,
Avadi City,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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