



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8803 of 2025

Jayaraj

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.

(Crime No.27 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.27 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Rameshkumar

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 09.11.2023, seeking bail



in Crime No.27 of 2025 registered for the offence under Sections 329(4), 127(2), 296(b), 115(2), 118(1) and 103 of BNS, 2023.

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2.It is the case of the prosecution that the defacto complainant had married A2 and had two sons, namely the petitioner and A3; that he married the deceased for the second time and did not transfer any property in the name of A1 to A3 and there was a dispute in respect of transfer of the property in the name of the deceased, as a result of which A2, A3 and the petitioner herein (A1) had attacked the deceased with iron rod and caused death of the deceased. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is not involved in the offence; the similarly placed co-accused was granted bail by this Court in Crl.O.P.No.5621 of 2025 on 28.02.2025 and that in any case, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that on account of family dispute, the



petitioner and others had attacked the defacto complainant's second wife. He further submitted that charge sheet has been filed in S.C.No.30 of 2025.

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5.Heard the learned counsel on either side and perused the materials available on record.

6.It is seen that the earlier bail application filed by the petitioner was withdrawn by the learned counsel for the petitioner on 28.02.2025 on the submission made by the learned Government Advocate (Crl. Side) that there was a proposal to detain the petitioner under Tamil Nadu Act 14 of 1982. However, the learned Government Advocate (Crl. Side) on instruction now submitted that the said proposal had been dropped. The similarly placed co-accused was granted bail by this Court in Crl.O.P.No.5621 of 2025 on 28.02.2025.

7.Considering the fact that there is a dispute between the family members, no previous case is pending against the petitioner, the period of incarceration, the fact that co-accused was granted bail by this Court in Crl.O.P.No.5621 of 2025 on 28.02.2025, this Court is of the view that



further custody of the petitioner is not required for the purpose of investigation. Hence, 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 **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Palacode**, and on further conditions that:

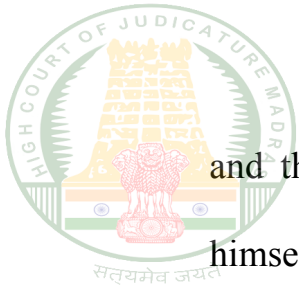
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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.

25.03.2025

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Copy to:

- 1.The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
- 2.The Judicial Magistrate, Palacode.
- 3.District Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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