



Crl.O.P.No.8573 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.8573 of 2025

Guna @ Gunasekar

... Petitioner/A7

Vs.

The State represented by,  
The Inspector of Police,  
N-4, Fishing Harbour Police Station,  
Chennai.  
(Crime No.19 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.19 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Sugumar

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 14.01.2025, seeking bail in Crime No.19 of 2025 registered for the offence under Sections 191(2), 191(3), 109 & 103 of the BNS, 2023 [ Old Provisions 147, 148, 307 & 302 of IPC].



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2. The case of the prosecution is that, A1's father was murdered by the grandson of the defacto complainant; that on retaliation, A1 along with other accused including the petitioner attacked the defacto complainant's grand son using deadly weapons, as a result of which, deceased sustained grievous injuries and died. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false and in any case the petitioner is in custody from 14.01.2025; that co-accused were granted bail by the lower Court and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the fact that the similarly placed co-accused were granted bail by the Lower Court. He further submitted that the petitioner has one previous case and in that case, petitioner is on bail.



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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 nature of allegations; the fact that the similarly placed co-accused was granted bail; the period of incarceration; the fact that the petitioner is on bail in other case 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.

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 **XVth Metropolitan Magistrate, George Town, Chennai** 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;



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[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.

24.03.2025

Sma



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To

1. XVth Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,  
N-4, Fishing Harbour Police Station,  
Chennai.
3. The Superintendent,  
Puzhal Prison -II, Chennai.
4. The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN., J.**

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