



Crl.O.P.No.9529 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9529 of 2025

Magabu Sheriff

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karuveppitankurichi Police Station,
Cuddalore.
(Crime No.63 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.63 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.I.Kowser Nissar

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 20.02.2025, seeking bail in Crime No.63 of 2025 registered for the offence under Sections 194(1) of BNS, 191(2), 191(3), 103(1), 238, 127(2) of BNS.



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2. The case of the prosecution is that, due to previous enmity, petitioner along with other accused assaulted the deceased using wooden log, as a result of which, deceased sustained grievous injuries and died. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a senior citizen aged about 69 years and the allegations are false; that the petitioner has been implicated based on the confession statement of the co-accused; that the petitioner is in custody from 20.02.2025 and 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 submitted that the petitioner has no previous cases.

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.



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6. Considering, the age of the petitioner; the fact that the petitioner has been implicated based on the confession statement of the co-accused; period of incarceration; the fact that the petitioner has no bad antecedents 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 **Judicial Magistrate No.II, Virudhachalam** 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;



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[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]***;

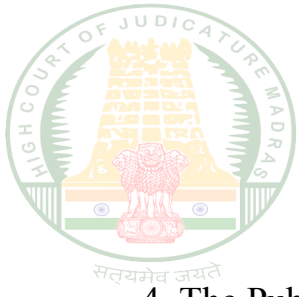
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

01.04.2025

Sma

To

1. Judicial Magistrate No.II, Viudhachalam.
- 2.The Inspector of Police,
Karuveppitankurichi Police Station,
Cuddalore.
3. The Superintendent,
Central Jail, Cuddalore



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4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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