



Crl.O.P.No.9824 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9824 of 2025

Moorthy

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Ariyur Police Station,
Vellore.

(Crime No.23 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.23 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.R.Thangavel

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 10.02.2025, seeking bail in Crime No.23 of 2025 registered for the offence under Sections 191(2), 191(3), 296(b), 79, 118(1), 109(1), 351(3) of BNS, 2023 and later altered into Sections 191(2), 191(3), 296(b), 79, 118(1), 109(1), 351(3), 103(1) of BNS, 2023.



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2. The case of the prosecution is that, the petitioner/A1 and the defacto complainant are the brothers; that there is a property dispute between them; that on the date of occurrence, defacto complainant along with his friends attempted to fence the property and at that time, petitioner along with other accused assaulted the defacto complainant with wooden log; that A3 had inflicted the fatal injury with knife on the deceased; and that the petitioner and others caused injuries to the defaco complainant and another victim. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the co-accused were granted bail by this Court; that the petitioner is in custody from 10.02.2025 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 nature of allegations; the fact that the co-accused were granted bail by this Court; 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 **Additional Mahila Court, Vellore** 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.

02.04.2025

Sma

To

1. Additional Mahila Court, Vellore
2. The Sub Inspector of Police,
Ariyur Police Station,
Vellore.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

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SUNDER MOHAN., J.

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