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Crl.O.P.No.9801 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9801 of 2025

1.N.Pachiyappan

2.Kavitha

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
(Crime No.28 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.28 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.C. Iyyappa Raj

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 17.02.2025, seeking bail in Crime No.28 of 2025 registered for the offence under Section 103 of BNS.



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2. The case of the prosecution is that the petitioners (A1 & A2) are the grandparents of the defacto complainant; that there was a family dispute between the petitioners and their deceased son-in-law, due to which, on the date of occurrence, the petitioners caused the death of the deceased by strangulating his neck. Hence, the case

3. Learned counsel appearing for the petitioners submitted that the allegations are false; that the petitioners are in custody from 17.02.2025 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioners have no previous cases.

5. Heard the learned counsel appearing for the petitioners 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; period of incarceration; the fact that the petitioners have no bad antecedents and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their 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, Pappyreddypatti Dharmapuri District** 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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. Judicial Magistrate, Pappyreddypatti Dharmapuri District.
2. The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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