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Crl.O.P.No.9961 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9961 of 2025

1. Ramesh
2. Arumugam
3. Thayammal

... Petitioners (A1 to A3)

Vs.

The State represented by,
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
(Crime No.55 of 2025).

... Respondent

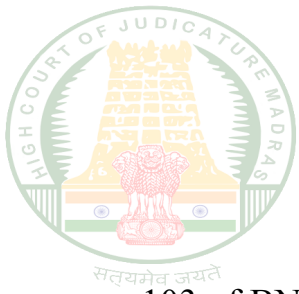
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.55 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.Saravanan

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 20.02.2025, seeking bail in Crime No.55 of 2025 registered for the offence under Sections 296(b), 118(1),



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103 of BNS [294(b), 324, 302 of IPC read with Section 4 of Woman Harassment Act].

2. The case of the prosecution is that, due to the dispute with regard to a sewage line, the petitioners abused the defacto complainant in filthy language and also attacked him using crowbar, as a result of which, deceased sustained injuries and later died. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the deceased died due to cardiac arrest and the petitioners are not responsible for the death of the deceased and in any case the petitioners are in custody from 20.02.2025; and that 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 confirmed the fact that the deceased died due to cardiac arrest and he also produced the forensic report, wherein the Doctor opined that the deceased died due to Myocardial Infarction.



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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.

6. Considering the nature of allegations; the fact that the deceased died due to Myocardial Infarction; the period of incarceration; 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, Kumarapalayam** 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further



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orders and the 2nd & 3rd petitioners shall report before the respondent police as and when required for interrogation;

[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;

[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.

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To

1. Judicial Magistrate, Kumarapalayam.
2. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
3. The Superintendent,
Central Prison, Salem.
4. The Superintendent,
Central Prison (Women Wing), Salem
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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