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Crl.O.P.No.11147 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.11147 of 2025

1.Vijay
2.Karthikeyan

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Dhally Police Station,
Tiruppur District.

(Crime No.48 of 2025)

... Respondent

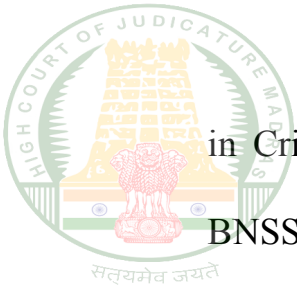
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.48 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.N.Balakrishnan

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 24.03.2025, seeking bail



in Crime No.48 of 2025 registered for the offence under Section 194 of BNSS (Drowning) altered to Section 108 of BNS, 2023.

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2.It is the case of the prosecution that the deceased was working as a cook in the house of A2; that A1 was known to the deceased; that the deceased informed A1's wife that A1 was having illegal affair with another lady; that due to which, the petitioners called the deceased and abused him in filthy language and asked him to die; that thereafter, the deceased ran away from the place and fell down in the well; that on the next day i.e 23.03.2025, the deceased was found dead in the well. Hence, the complainant.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; that the petitioners have no bad antecedents; and that the petitioners are in custody from 24.03.2025 and hence, further custody of the petitioners is not required and sought for bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and opposed for the grant of bail.



5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations, period of incarceration and since further custody of the petitioners 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 separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Udumalpet, Tiruppur 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;

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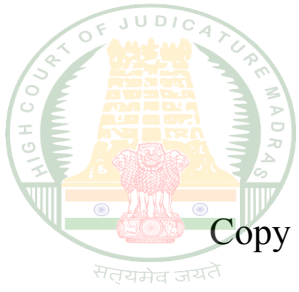
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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.

16.04.2025

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1.The Inspector of Police,
Dhally Police Station,
Tiruppur District.

2.The Judicial Magistrate No.II, Udumalpet, Tiruppur District.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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