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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.11902 & 11905 of 2025

Palanivasan

...Petitioner/Accused 4
in Crl.O.P.No.11902 of 2025

Shanthi

...Petitioners/Accused 3
in Crl.O.P.No.11905 of 2025

Vs.

State rep by
The Inspector of Police,
Barur, Krishnagiri.

(Crime No.38 of 2025)

...Respondent in both Crl.O.Ps.

Common Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.38 of 2025 pending investigation on the file of the respondent police.

(In both Crl.O.Ps.)

For Petitioner : Mr.V.Balamurugan

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



COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 13.03.2025 and 10.03.2025 respectively, seeking bail in Crime No.38 of 2025 registered for the offence under Sections 103(1) and 296(b) of BNS, 2023

2.It is the case of the prosecution that due to previous enmity in respect of land dispute, the petitioners along with the other accused had abused the defacto complainant's husband and assaulted him with stone and caused grievous injuries to him, due to which, the injured died. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; that they have not committed any offence as alleged by the prosecution and they have no bad antecedents; and that in any case, considering the period of incarceration, the petitioners may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that both the petitioners had made conspiracy in the murder of the defacto complainant's husband and that the



petitioners have no bad antecedents.

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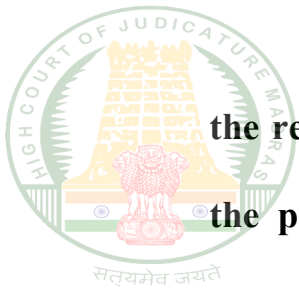
5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the period of incarceration, the fact that the petitioners have no bad antecedents 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, Pochampalli, Krishnagiri 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 petitioner in Crl.O.P.No.11905 of 2025 shall report before



the respondent Police, everyday at 10.30 a.m., until further orders and the petitioner in Crl.O.P.No.11902 of 2025 shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy 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;

[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.

22.04.2025

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Copy to:



1.The Inspector of Police,
Barur, Krishnagiri.

2.The Judicial Magistrate, Pochampalli, Krishnagiri District.

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

4.The Superintendent of Prison, Central Prison for Women, Salem.

5.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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