



Crl.O.P.No.12907 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12907 of 2025

Dinesh

... Petitioner

Vs.

State rep. by
The Inspector of Police
Sivakanchi Police Station
Kanchipuram district.
Crime No.471 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in the event of
arrest in Crime No. 471 of 2024 pending investigation on the file of the
respondent police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
03.09.2024, for the offence punishable under Sections 103 of BNS, 2023 @
103(1), 309(2) of BNS, 2023 (302 of IPC @ 302, 390 of IPC) in connection with
Crime No. 471 of 2024, registered on the file of the respondent, seeks bail.



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2.The case of the prosecution as per the defacto complainant/VAO is that based on the information given by his Village Assistant, he went to the scene of occurrence where a dead body of a male aged about 66 years was found in front of the shutter of the shop. Thereby, he lodged a complaint before the respondent police and a case in Crime No. 471 of 2024 came to be registered under Section 103 of BSS. Later, during the course of investigation, based on the CCTV footage, it came to light that the deceased person was sleeping in the platform and the petitioner/A2 along with other accused/A1 assaulted the deceased person by using concrete stone on his head and snatched Rs.5000/- from the deceased person. Thereby, the case has been altered to Sections 103(1), 309(2) of BNS, 2023 and the accused persons were arrested. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 03.09.2024. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that there are totally two accused in this case in which the petitioner/A2 belongs to the State of Rajasthan and A1 is still in custody. He would also submit that Rs.2,500/- has been recovered from A2. He would also submit that in this case, investigation has been completed and charge sheet has also been filed before the concerned court.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two local sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Kanchipuram** and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks except on trial court hearing dates and he shall also appear before the Trial Court on all hearing dates without fail;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate No.I, Kanchipuram
2. The Inspector of Police
Sivakanchi Police Station
Kanchipuram district.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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