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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13717 of 2025

Rayyappan ...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.

(Crime No.33 of 2025) ... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.33 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Ilamurugu

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

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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.03.2025, seeking bail in Crime No.33 of 2025 registered for the offence under Sections 296(b), 115(2), 118(1), 109 and 351(3) of BNS, 2023.

2.It is the case of the prosecution that there was a property dispute between the defacto complainant and A1; that on the date of occurrence, when the defacto complainant was in his residence, the petitioner along with the other accused came there, picked up quarrel with him and threatened him to vacate the premises; that when he opposed the same, the accused had abused him in filthy language, assaulted him with wooden logs and caused grievous injuries, threatened him of dire consequences and caused the death of the deceased. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that the petitioner has no bad antecedents; and that the petitioner is in custody from 14.03.2025 and hence, further custody of the petitioner is not required and sought for bail.

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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner has no bad antecedents.

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

6.Considering the nature of allegations, period of incarceration, the fact that the petitioner has no bad antecedents and since further custody of the petitioner is not required for the purpose of investigation, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate Court, Veppanathattai,** and on further conditions that:

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[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 shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 petitioner in accordance with law as if the 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)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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Copy to:

1.The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.

2.The District Munsif cum Judicial Magistrate, Veppanathattai.

3.The Public Prosecutor, High Court, Madras.

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SUNDER MOHAN, J.

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