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Crl.O.P.No.14010 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14010 of 2025

Sulthan

... Petitioner

Vs.

State rep. by
The Inspector of Police
Kanchi Taluk Police Station
Kanchipuram district.
Crime No. 108 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending investigation in Crime No. 108 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.S.Sathish Kumar
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.03.2025, for the offence punishable under Sections 103(2) of BNS Act read with Section 3 of Explosive Substances Act , in connection with Crime No.108 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that on 11.03.2025, at about 1.30PM, one Surya and others have murdered the defacto complainant's son namely Raja by using country bomb and knife. Hence, the case.

3. It is the contention of the learned counsel for the petitioner that the petitioner has been arrayed as an accused on the allegation of conspiracy. It is his contention that since the petitioner is said to have been present with other accused on the previous day of murder, he has been falsely implicated in this case. The murder had taken place on the next day. He submitted that petitioner is suffering incarceration from 11.03.2025. 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.

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 12 accused in this case and A1 conspired with petitioner/A8 and A10 murdered the defacto complainant's son.

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



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6. Considering the facts and circumstances of the case, the 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 sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Kancheepuram**, and on further conditions that:

[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 report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[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;



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[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]**;

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

14.05.2025

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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.



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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate No.II
Kancheepuram.
2. The Inspector of Police
Kanchi Taluk Police Station
Kanchipuram district.
3. The Superintendent,
Puzhal, Central Prison.
4. The Public Prosecutor,
High Court of Madras.

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