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Crl.O.P.No.14178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14178 of 2025

- 1.Sanjay
- 2.Vijayakumar
- 3.Eswarapandiyan

... Petitioners

Vs.

State rep. by
The Inspector of Police
M-5 Ennore Police Station
Thiruvallur District.
Crime No. 931 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail, in SC.No.190 of
2025 in Crime No.931 of 2024 pending on before this Honble Court.

For Petitioner : Mr.M.Muthuramalingam

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.11.2024, for the offence punishable under Sections 61(2), 191(2), 191(3), 126(2), 103(2), 296(3), 109 r/w 190 of BNSS, in connection with Crime No. 931 of 2024, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that on 24.11.2024, when the defacto complainant was travelling with his friend towards Annai Sivagami Nagar, the petitioners along with other accused persons attacked the deceased with deadly weapons due to which, the deceased sustained fatal injuries and died on the spot. Hence, the case.

3. It is seen that the defacto complainant and the deceased were history sheeters and were under the influence of alcohol. While they were proceeding near Annai Sivakami Nagar, the petitioners were standing nearby and it was the deceased, who picked up the quarrel. Thereafter, the deceased, who was carrying a knife, is said to have been involved in the assault. In this case, the investigation has been completed and charge sheet has been filed in S.C.No.190 of 2025 pending on the file of IV Additional District and Sessions Judge, Ponneri.



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4. Learned counsel appearing for the petitioners submitted that the petitioners were detained under Act 14 and the same were revoked. He also submitted that the petitioners are suffering incarceration from 24.11.2024. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

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 5 accused in this case and A1 has one previous case, A2 has no previous case, A3 has one previous case and A4 has five previous cases pending against them.

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

6. Considering the facts and circumstances of the case, the submissions made by the learned counsels on either side and taking into account the fact that the deceased was a history sheeter, who picked up the quarrel, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Thiruvottiur** 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 petitioners shall appear before the learned trial Judge, on every Monday at 10.30 a.m., until further orders and they shall also appear before the trial Court on all hearing dates without fail;

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

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

[e] the petitioners 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 petitioners in accordance with law as if the



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aforementioned 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)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
Thiruvottiyur.

2. The IV Additional District and Sessions Judge, Ponneri.

3. The Inspector of Police
M-5 Ennore Police Station
Thiruvallur District.

4. The Superintendent,
Central Prison, Puzhal II.

5. The Public Prosecutor,
High Court of Madras.

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