



Crl.O.P.No.14516 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14516 of 2025

Govindhasami

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
(Crime No.115 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in Crime No.115 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.03.2025 for the offences punishable under Sections 103, 296(b) and 351(3) of BNS, in Crime No.115 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the first accused is the wife of the victim/deceased and the second and the third accused are the brothers of the first accused. Due to matrimonial dispute, the first accused and the victim were living separately for about 10 years and that being so, on 21.03.2025, when the victim/deceased was standing on the road, there was a quarrel between the victim and the accused and they attacked each other. During such time, the accused had assaulted the victim/deceased with wooden log and sickle, due to which, the victim died on the spot. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the victim/deceased was the aggressor, who had restrained the first accused and her brother one Sivaraj, and assaulted the said Sivaraj and inflicted injuries on his leg. He further submitted that the petitioner is arrayed as A3 in this case and was arrested on 21.03.2025. He also 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 (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the petitioner herein is arrayed as A3 and the first and second accused are still in judicial custody. Hence, he opposed for granting bail to the petitioner.



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

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side that the victim was the aggressor and the period of incarceration suffered 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.I, Hosur**, 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;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police



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M.NIRMAL KUMAR, J.

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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.

To

1. The Judicial Magistrate No.I, Hosur.
2. The Inspector of Police,
Shoolagiri Police Station, Krishnagiri District.
3. The Superintendent, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

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