



Crl.O.P.Nos.14538, 15729 & 15365 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.14538, 15729 & 15365 of 2025

Tharun Kumar ... Petitioner/A10 in Crl.O.P.No.14538 of 2025
AP.Jeevan ... Petitioner/A7 in Crl.O.P.No.15729 of 2025
1.Selvaganapathi
2.Vignesh @ Vikki
3.Ananth @ Cheeta ... Petitioners/A2, A4 & A9 in Crl.O.P.No.15365 of 2025

Vs.

State rep. by
The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.
Crime No. 120 of 2025.

... Respondent in all Crl.O.Ps

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.120 of 2025 pending on the file of the Respondent police.

For Petitioner

in Crl.O.P.No.14538 of 2025 : Mr.M.Soundar Vijay Arul Ram

For Petitioner

in Crl.O.P.No.15729 of 2025: M/s.M.Udaiya Bhanu



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For Petitioners

in Crl.O.P.No.15365 of 2025: Mr.Ilayaraja Kandasamy

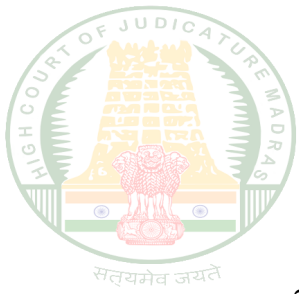
For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner in Crl.O.P.No.14538 of 2025, who was arrested and remanded to judicial custody on 16.03.2025, for the offence punishable under Sections 109(1), 103(2), 351(3) of BNS in connection with Crime No.120 of 2025, registered on the file of the respondent, seeks bail.

The petitioner in Crl.O.P.No.15365 of 2025, who was arrested and remanded to judicial custody on 19.03.2025, for the offence punishable under Sections 109(1), 103(2), 351(3) of BNS, 2023 @ Under Section 61(2) (a) read with Section 103(2) Two Counts, 351 (3), 249(a) BNS, 2023 in connection with Crime No.120 of 2025, registered on the file of the respondent, seeks bail.

The petitioner in Crl.O.P.No.15729 of 2025, who was arrested and remanded to judicial custody on 19.03.2025, for the offence punishable under Sections 109(1), 103(2) - Two Counts, 351(3) of BNS, 2023 in connection with Crime No.120 of 2025, registered on the file of the respondent, seeks bail.



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2.1 The contention of the learned counsel appearing for the petitioner/A10 is that the deceased in this case are rowdy elements and for their own act, they have been murdered by revenge, which is now been projected against the petitioner. He further submitted that, admittedly, petitioner was not present in the scene of occurrence and his name does not find place in the FIR, however, he was implicated based on the confession statement of the co-accused. Hence, he prays for grant of bail to the petitioner/A10

2.2 The contention of the learned counsel appearing for the petitioner/A7 is that the petitioner/A7 is a college student and he has no bad antecedents and since some of the accused are known to him, he was called for enquiry and later he was detained and arrayed as accused. He further submitted that the name of the petitioner/A7 does not find place in the FIR. Hence, he prayed for grant of bail to the petitioner/A7.

2.3 The contention of the learned counsels appearing for the petitioners/A2, A4 & A9 is that there is no specific overt act attributed against A2 & A4 and they were not present in the scene of occurrence, however they have been falsely implicated in this case, since they are having previous cases. He



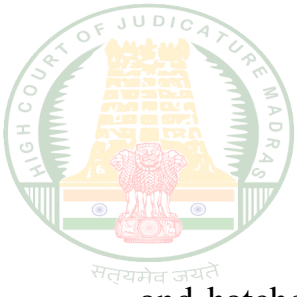
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further submitted that A9 is the friend of A1 and he has been falsely implicated in this case as though he was participated in the conspiracy. Hence, he prays for grant of bail to the petitioners/A2, A4 & A9.

3. Learned Government Advocate (Crl. Side) submitted that two persons namely Arun and Suresh were murdered by the accused in this case. He further submitted that A1 to A7 were assailant and they were identified during the Identification Test Parade. He further submitted that the commotion still prevails in the locality and if the accused were released on bail, there is a possibility that law and order problem may arise. He further submitted that the trial will be completed within a stipulated time. Hence, he strongly, opposed for grant of bail to the petitioner.

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

5. This Court finds that A1 to A7 were present in the scene of occurrence and they were identified during the Test Identification Parade and therefore this Court is not inclined to granted bail to **A2, A4 & A7**. However, as regards **A9 & A10**, it is seen that, prior to the occurrence, A9 & A10 had med A1



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and hatched the conspiracy. In the said circumstances, this Court is inclined to grant bail to the petitioners/**A9 & A10** with certain conditions.

6. Accordingly, the petitioners/A9 & A10 are 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 **IXth Metropolitan Magistrate, Saidapet, Chennai**, 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/A9 & A10 shall stay at Salem and report before the Inspector of Police, Salem Town Police Station daily at 10.30.a.m., until further orders except on the dates they are appearing before the trial Court.**

[c] the petitioners/A9 & A10 shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioners/A9 & A10 shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] the petitioners/A9 & A10 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;

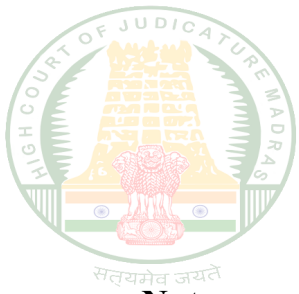
[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners/A9 & A10 in accordance with law as if the aforementioned conditions have been imposed and the petitioners/A9 & A10 released on bail by the learned Magistrate/Trial 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.

7. Accordingly, CrI.O.P.No.14538 of 2025 is allowed and CrI.O.P.No.15365 of 2025 is partly allowed and CrI.O.P.No.15729 of 2025 is dismissed.

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Note :

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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 IXth Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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