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Crl.O.P.Nos.14535 & 14561 of 2025

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.Nos.14535 & 14561 of 2025

Sakthivel ... Petitioner in Crl.O.P.No.14535 of 2025

Akathiyan ... Petitioner in Crl.O.P.No.14561 of 2025

Vs.

State represented by,
The Inspector of Police,
Uthiramerur Police Station,
Kanchipuram District.

(Crime No.68 of 2025). ... Respondent in both Crl.O.Ps

Common Prayer : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, in Crime No.68 of 2025, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.L.Narayanan

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.03.2025 for the offences punishable under Section 194(1) of BNSS @



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Sections 103(1) and 238 of BNS, in Crime No.68 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the accused and the victim/deceased were having liquor, a wordy quarrel arouse between them, during which, the accused murdered the victim by assaulting him with hands and to screen the evidence, threw his body into the nearby well by tying him with a stone. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners are innocent persons and they have nothing to do with the alleged offence. He further submitted that the petitioners are respectively arrayed as A2 and A1 and were arrested on 06.03.2025. He also 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 (Crl. Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioners stating that the case was initially registered for the offence under Section 194(1) of BNSS and only during the investigation, it was altered to one under Sections 103(1) and 238 of BNS. He further submitted that the investigation in this case has been completed and the charge sheet has also been



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filed, which is yet to be taken on file. He also submitted that two previous cases are pending against the first accused and against A2, there is no previous case.

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 and taking note of the facts that the charge sheet has been filed in this case and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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 **District Munsif cum Judicial Magistrate, Uthiramerur**, 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 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;



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[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 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 abscond, 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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To

1. The District Munsif cum Judicial Magistrate,
Uthiramerur.
2. The Inspector of Police,
Uthiramerur Police Station,
Kanchipuram District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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