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Crl.O.P.No.14948 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.14948 of 2025

Gowtham

... Petitioner

Vs.

State rep. by
The Inspector of Police
Sankari Police Station
Crime No. 146 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.146 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saravanan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.04.2025, for the offence punishable under Section 103(1) of The Bharatiya Nyaya Sanhita (B.N.S), 2023, altered into 61(2), 111, 103(1) and 240 of The

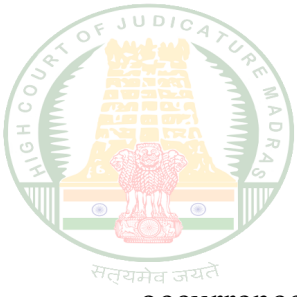


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Bharatiya Nyaya Sanhita (B.N.S), 2023, in connection with Crime No.146 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that due to matrimonial dispute between the defacto complainant and her husband Rajendiran, 30 years ago they were separated and the defacto complainant is living in her mother's house. The said Rajendiran is residing in a room situated near Sankari State Bank of India and he is running a nutrition centre in nearby a room. The de-facto complainant for the maintenance of herself and her children, filed a civil case before the II Additional District Court, Salem and the said case was posted on 25.04.2025. Whiles, in the morning of 31.03.2025, one Sakthi of Pakkaliyur informed the de-facto complainant over phone that her husband found dead in his house. Immediately, she and her relatives rushed there and saw her husband, who was lying dead in iron cot with injuries and then gave a complaint, During enquiry, the police found that this petitioner is also involved in the commission of offence, Hence the case.

3. It is the contention of the learned counsel for the petitioner that the petitioner is studying II year MBA at Salem Periyar University and on the date of



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occurrence, i.e on 31.03.2025, at 1.00 p.m, an unknown person asked the petitioner to give lift to drop him on the way and to help him, the petitioner had given lift and dropped him on the way. Except this, he is no way connected with the alleged offence. He further submitted that the petitioner was not a named accused in this case and he was not even present in the scene of occurrence. He further submitted that there was a dispute between the deceased and A9, A8, who are his wife and son and they have arranged some persons to do away the deceased, for which the petitioner has been falsely implicated in this case. Based on the confession of the co-accused, the petitioner has been falsely implicated in this case. The learned counsel for the petitioner submitted that the petitioner is suffering incarceration from 02.04.2025 and he 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 submitted that in this case, the deceased Rajendran is the husband of A9 and father of A8 and both the deceased and A9 had some misunderstanding, due to which they were living separately quite for a some time. While A9 tried to arrange the marriage for her son /A8, the same was prevented



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by the deceased, for which A9 and A8 engaged A1 Sivasankar to murder the deceased Rajendran and paid a sum of Rs.4,00,000/- to A1 and A1 with the aid of A2 and A3 (petitioner) and other accused, conspired together and eliminated the deceased. In this case, A2 and A3 had forcibly entered into the house of the deceased and attacked him on his head and neck. As far as this petitioner is concerned, he is a conspirator. In view of the above, the petitioner's (A3) name was recorded in this case. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, 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**



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Magistrate No.I, Sankari, 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 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.



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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,
Sankari
2. The Inspector of Police
Sankari Police Station
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.
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