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Crl.O.P.No.15896 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15896 of 2025

1.Ganesan
2.Karthi

... Petitioners

Vs.

State rep. by
The Inspector of Police
Thirukkanapuram Police Station
Nagapattinam.

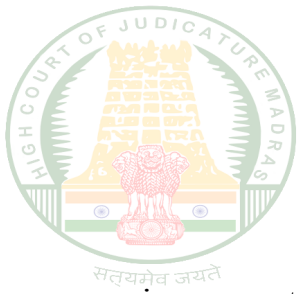
... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in connection with Crime No.62 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.K.Syed Eliyas
For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.04.2025, for the offences punishable under Sections 296(b), 131, 103 of BNS,



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in connection with Crime No.62 of 2025, registered on the file of the respondent,
seek bail.

2. The case of the prosecution is that the petitioners and the de-facto complainant are neighbours. On 16.04.2025, at 4.00 p.m, due to land dispute, the petitioners went to the entrance of the house of the de-facto complainant and abused the de-facto complainant and his family members in filthy language. When it was questioned by the father of the de-facto complainant, the petitioners suddenly pushed his father and he fell down and thereafter, he was admitted in the hospital and later, he died. Hence the case.

3. The contention of the learned counsel for the petitioners is that due to previous enmity, a false case has been foisted against the petitioners. The learned counsel for the petitioners submitted that the petitioners are suffering incarceration from 16.04.2025 and they 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.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and he strongly opposed to grant bail to the petitioners.

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 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 a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each, with **two sureties** each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Nagapattinam**, 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;



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[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.

[c] the petitioners shall make himself 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;

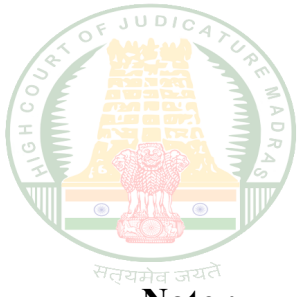
[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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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 Judicial Magistrate No.II
Nagapattinam
2. The Inspector of Police
Thirukkanapuram Police Station
Nagapattinam.
3. The District Prison,
Nagapattinam District
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.
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