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CrI.O.P.No.16888 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM

**THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR**

CrI.O.P.No.16888 of 2025

Ashok Kumar

... Petitioner/Accused

Vs.

State Rep. By its  
The Inspector of Police,  
Gangavalli Police Station.  
Salem District.  
(Crime No.25 of 2025)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.25 of 2025 pending investigation on the file of the respondent police station.

For Petitioner : Mr.M.I.Javid Akbar

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.02.2025, for the offences punishable under Sections 103 and 109 of



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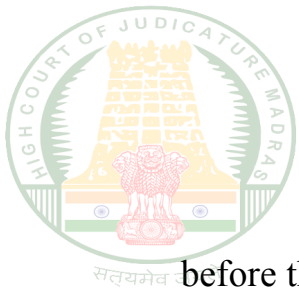
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BNS, 2023 in connection with Crime No.25 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the deceased. The petitioner murdered his wife and attacked two children suspecting the fidelity of his wife and paternity of the children, thereby, his wife and one of the child died and one survived. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested on 21.02.2025 and now investigation completed, charge sheet filed and the same is taken on file in S.C.No.145 of 2025 before the Mahila Court, Salem.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner committed murder of his wife using billhook and attacked his two children. One child could be saved and another died. The petitioner committed offence without any provocation. He fairly submitted that in this case investigation completed, charge sheet filed



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before the Mahila Court, Salem. Hence, he strongly opposed for granting bail to the petitioner.

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

6. Considering the nature of allegation 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 her 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 Court No.II, Athur, Salem District**, 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 appear before the trial Court on every Tuesday at 10.30 a.m. and on all future hearing dates without fail;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



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[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.

**24.06.2025**

rsi

**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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1.The Judicial Magistrate No.II,  
Athur, Salem District.

2.The Inspector of Police,  
Gangavalli Police Station.  
Salem District.

3.The Superintendent,  
Central Prison, Salem.

4.The Public Prosecutor,  
High Court of Madras.



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**M.NIRMAL KUMAR, J.**

rsi

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