



Crl.O.P.No.16660 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16660 of 2025

Ajay

... Petitioner/A6

Vs.

The State represented by
The Sub-Inspector of Police,
Dusi Police Station,
(Crime No.202 of 2025)
Tiruvannamalai District.

... Respondent

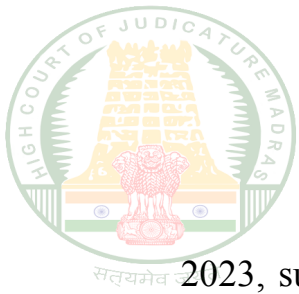
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with the case in Crime No.202 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Manokaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.05.2025, for the offences punishable under Section 103(1) of BNS,



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2023, subsequently altered into Sections 103(1) and 61(2) of BNS, 2023 in connection with Crime No.202 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner and other accused assaulted the de-facto complainant's husband and murdered him. Hence, the case.

3. The learned counsel for petitioner submitted that the petitioner has been falsely implicated in this case. The petitioner is a graduate and he was preparing for Group I Services Examination. There was a dispute between the petitioner's family members and the deceased family members with regard to the temple festival seven years before. During January, 2025, the deceased was questioned by A1/Rajaram, which offended the deceased family members. In the Grama Sabha meeting, during March, 2025, A1 in this case is said to have been placed a knife on the deceased neck and threatened him. The family members of A1 assaulted the deceased and a case was registered. On 08.05.2025, the deceased was proceeding in his two wheeler and the de-facto complainant and one Sasikumar followed him in

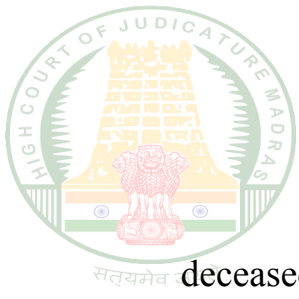


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another two wheeler. At that time it is stated that A1 and A2, namely, Rajaram and Guna attacked the deceased and done to death. As regards this petitioner, the petitioner has been arrayed as accused based on the confession of the co-accused. From the confession of the co-accused there is no recovery and hence, confession is of no value. He further submitted that the only overtact projected against the petitioner is that petitioner was keeping watch on the movement of Thirumalai and informed to Rajaram and nothing more. The petitioner is in prison from 11.05.2025. Hence, he prays to grant bail to the petitioner.

4. The Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the de-facto complainant lodged a complaint and a case in Crime No.202 of 2025 registered on 08.05.2025 for offence under Section 103(1) of BNS, 2023, subsequently altered into Sections 103(1) and 61(2) of BNS, 2023. The deceased/de-facto complainant's husband had a longstanding enmity with A1 and A2 due to family issues. During the year, 2022, the deceased was kidnapped by A1 and his associates and thereafter the deceased was rescued and a case in Crime No.13 of 2022 registered against A1. During March, 2025, when the



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deceased was returning from Court, A1 along with other accused intercepted and attacked the deceased, thereby the deceased died and a case in Crime No.202 of 2025 registered against 6 persons. He further submitted that in this case, A1, who is the Police Constable is still absconding. A2 to A5 are still in jail. The petitioner/A6 has filed bail application before the Sessions Court and the same was dismissed on 28.05.2025. He further submitted that if the petitioner is let out on bail, the investigation would get stalled. Hence, he strongly opposed for granting bail to the petitioner.

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

6. Considering the facts and circumstances of the case, 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 Magistrate, Cheyyar**, and on further conditions that:



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[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 respondent police daily at 10.30 a.m., until further orders;

[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



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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.



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To

- 1.The Judicial Magistrate,
Cheyyar.
- 2.The Sub-Inspector of Police,
Dusi Police Station,
Tiruvannamalai 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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