



Crl.O.P.No.17327 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17327 of 2025

K.Dhayal

... Petitioner

Vs.

State rep. by
The Inspector of Police
Arani Police Station
Tiruvallur district.
Crime No.37 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. 37 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Shyam Sunder

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2025, for the offence punishable under Sections 103(1), 62(2) of BNS Act, 2023, connection with Crime No. 37 of 2025, registered on the file of the respondent, seeks bail.



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2.The case of the prosecution is that deceased Shankar, who is a married man, is having illicit relationship with one Manjula/A2. On 29.03.2025, the petitioner/A1 and the said Manjula/A2 conspired together and attacked the deceased by using iron rod, sharp knife and killed the deceased on the spot. Hence, the case.

3. It is the contention of the petitioner that the petitioner has been arrayed as A1 in Crime No.37 of 2025. It is his contention that the deceased shankar was earlier having illicit relationship with his aunt namely Manjula/A2 Further, the petitioner was informed that the deceased shankar was constantly causing harassment to his aunt. When the same was questioned, there was a quarrel between them. Thereafter, the deceased Shankar was found in a lake with head injury and died on 29.03.2025. It is his further contention that since the petitioner earlier had a dispute with the deceased, he has been falsely implicated as an accused in this case. He further submit that he is a first graduate in his family and due to pending of this case, he is unable to get employment and now, working as loanman in a private company. Further, he is the only bread winner of his family. He also submitted that A2 has already granted bail by this Court in Crl.O.P.No.15789 of 2025. Hence, he prays to grant bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted the petitioner conspired with A2 and attacked the deceased by using iron rod, sharp knife causing fatal injuries. He also submitted that in this case, investigation has almost completed and is awaiting expert opinion.

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 Magistrate No.I, Ponneri** 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;

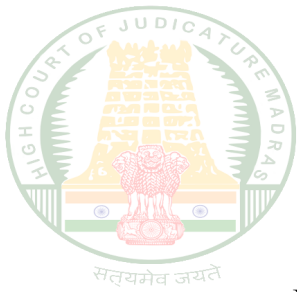
[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., till the charge sheet is filed and thereafter, appear before the committal court. After committal, he shall appear before the Trial Court on all hearing dates without fail;

[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**



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Kerala [(2005)13 SCC 283];

[h] 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, Ponneri

The Inspector of Police
Arani Police Station
Tiruvallur district.

3. The Superintendent,
Central Prison-II Puzhal.

4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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