



Crl.O.P.No.20741 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20741 of 2025

A.Amala Augustine

.. Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Kottucherry Police Station,
Karaikal.
Crime No.85 of 2025.

... Respondent

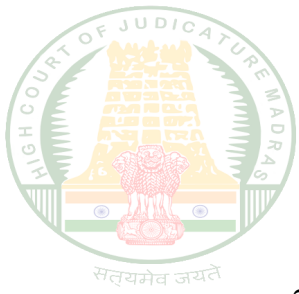
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail pending investigation in Crime No.85 of 2025 on the file of the respondent police.

For Petitioner : Mr.D.Charlesmuthushanthan

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2025, for the offence punishable under Section 103(1) of BNS, in Crime No.85 of 2025, registered on the file of the respondent, seeks bail.



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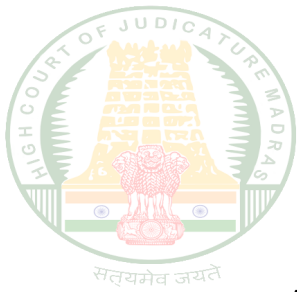
2. The case of the prosecution is that there exists a dispute between the petitioner and his elder brother regarding the settlement of the death benefits and gratuity of the petitioner's first wife. On account of which, on the alleged date of occurrence, the petitioner attacked his brother with an iron spade, resulting in his death. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner is employed in Bihar and the incident occurred in a sudden fit of rage. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for the grant of bail to the petitioner.

4. Learned Public Prosecutor (Puducherry) appearing for the respondent police reiterated the prosecution case and opposed for the grant of 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 taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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.II, Karaikal** 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 am., for a period of 30 days and thereafter, as and when required for interrogation. The petitioner shall also furnish the details of his employment in Bihar, contact details and all other necessary details to the respondent during enquiry;

[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



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M.NIRMAL KUMAR, J.

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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.

30.07.2025

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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.II, Karaikal.
2. The Sub Inspector of Police,
Kottucherry Police Station, Karaikal.
3. The Superintendent,
Sub Jail, Karaikal.
4. The Public Prosecutor (Puducherry),
High Court, Madras.

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