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Crl.O.P.No. 20520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20520 of 2025

1.E.Karthik

2.K.Shanmugamoorthy @ Shanmugam

... Petitioners/A1 & A2

Vs.

State Rep. by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
Crime No. 705 of 2025

... Respondent

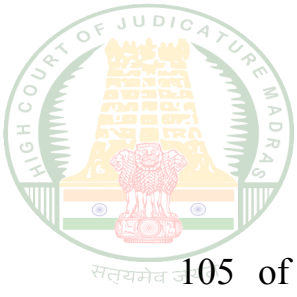
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners on bail in Crime
No.705 of 2025 pending investigation on the file of the respondent.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 05.07.2025, for the offence punishable under Sections 296(b),



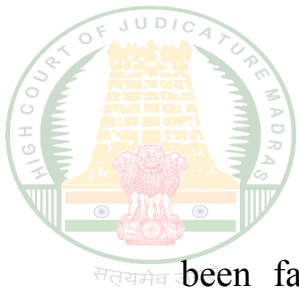
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105 of BNS in Crime No.705 of 2025, registered on the file of the
respondent, seek bail.

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2.The case of the prosecution is that the de-facto complainant's father, his brother and sister jointly owning 41 cents of land nearby Palladam to Managalam road and the A2's mother-in-law having property adjacent to their land. On the date of occurrence, the petitioners along with other accused trying to put up fence along with the de-facto complainant's father's land. When the same was questioned by the de-facto complainant, his father and his brother and sister, the petitioners along with other accused pushed the de-facto complainant's father down and attacked him with hands and legs on his chest, due to which, he sustained cardiac arrest and died. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners have been in judicial custody from 05.07.2025. It is further contended that the death of de-facto complainant's father was due to natural causes, specifically cardiac arrest and not as a result of any physical assault. He also submitted that the petitioners are innocent persons and they have



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been falsely implicated in this case. He further submitted that the co-accused/A3 has been granted bail by this Court in Crl.O.P.No.20346 of 2025 on 18.07.2025. However, the petitioners 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.

4.The 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 that the petitioners were arrested on 05.07.2025. He further submitted that the co-accused/A3 has been granted bail by this Court in Crl.O.P.No.20346 of 2025 on 18.07.2025.

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 counsel 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.



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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, Palladam** 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for further interrogation;

[c] the petitioners shall make themselves 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 petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they 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



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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.

21.07.2025

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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.



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M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate,
Palladam.

2. The Inspector of Police,
Palladam Police Station,
Tiruppur.

3.The District Prison,
Tiruppur District.

4.The Public Prosecutor,
High Court of Madras.

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