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Crl.O.P.No.21872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21872 of 2025

1. S.Johnson @ Anthoniraj

2. A.Ajith

.. Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thirunindravur Police Station,
Avadi City Police.
Crime No.321 of 2025.

... Respondent

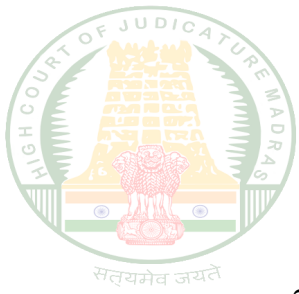
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners on bail pending investigation in Crime No.321 of 2025 on the file of the respondent police.

For Petitioners : Mr.M.D.Ilayaraja

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

ORDER

The petitioners/A2 & A3, who were arrested and remanded to judicial custody on 04.07.2025, for the offence under Section 103 of BNS @ 126(2), 3(5), & 103 of BNS, in Crime No.321 of 2025, on the file of the respondent, seek bail.



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2. The case of the prosecution is that, despite several warnings given by the first accused to his wife, she continued her illicit relationship with one Joseph. Thereby, on the alleged date of occurrence, the first accused along with other accused assaulted the deceased with knife, resulting in her death. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners, who are respectively the brother and friend of A1, are in no way connected with the alleged offence. Hence, he prayed for the grant of bail to the petitioners stating that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for the grant of bail to the petitioners stating that the petitioners herein were also accompanied the first accused in committing the offence. He further submitted that there is no previous case against these petitioners.

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

6. Considering the facts and circumstances of the case, nature of allegations against these petitioners, submissions made by the learned counsels on



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either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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, Thiruvallur** 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 am., for a period of two weeks and thereafter, as and when required for 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 petitioners 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;



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M.NIRMAL KUMAR, J.

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[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 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.

06.08.2025

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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, Thiruvallur.
2. The Inspector of Police,
Thirunindravur Police Station,
Avadi City Police.
3. The Superintendent, Central Prison – II, Puzhal, Chennai.
4. The Public Prosecutor, High Court, Madras.

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