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CRL OP No. 24477 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 24477 of 2025

1. Vaishak

S/o.Nagappan, No.2, 5th Cross Street,
JJ Nagar, Moolakulam, Pondicherry -
605010. and another

2. Shamjosh

S/o.Jothi Sundarraaj, No.19, Prasanth
Nagar, Thattanchavadi, Puducherry -
605 009.

Petitioner(s)

Vs

The State rep. by
Thirumuruganpoondi Police Station,
Thiruppur District.
Crime No.216 of 2025

Respondent(s)

CRL OP No. 24477 of 2025

PRAYER

To enlarge the petitioners/accused on bail in Crime.No.216 of 2025 dated 05-05-2025 pending on the file of Respondent Police.



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For Petitioner(s): Mr.R.Dinesh

For Respondent(s): Mr.A.Gopinath,
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.05.2025 for the alleged offence under Section 296(b), 126(2), 351(3), 103(1) of BNS in Crime No.216 of 2025 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 04.05.2025 around 09.30 p.m., the petitioners along with other accused alleged to have murdered the paternal uncle of defacto complainant. Accordingly, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners submitted that they have been falsely implicated in this case as if all the petitioners have attacked the defacto complainant's paternal uncle, due to which, he sustained serious injury and died. In fact, there is no specific overtact attributed against the petitioners and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners



have been suffering incarceration for more than 124 days from 06.05.2025.

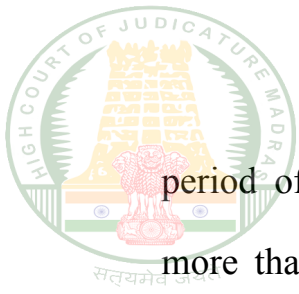
Hence, he prayed to grant bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that they have committed murder of paternal uncle of defacto complainant with previous motive. Further, the 1st petitioner/A2 is having five previous cases, out of which four cases registered under NDPS Act and the 2nd petitioner/A3 is having two previous cases, out of which one case registered under NDPS Act and one case registered under I.P.C. He would submit that totally three accused involved in this case and the petitioners are arrayed as A2 and A3 and A1 is still in judicial custody. He would submit that investigation completed and final report was also filed. He would submit that that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. So far as first petitioner/A2 is concerned, there are five previous pending against him, out of which, four cases registered under NDPS Act. So, considering that, this Court is not inclined to grant bail to the 1st petitioner/A2.

6. Considering the above facts and circumstances, and the fact that investigation completed and final report was filed and also considering the



period of incarceration undergone by the 2nd petitioner from 06.05.2025 for more than 124 days, this Court is inclined to grant bail to the 2nd petitioner subject to the following conditions:

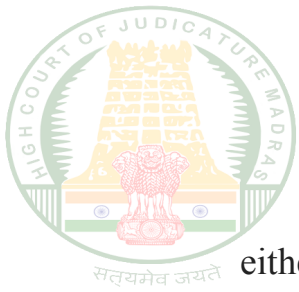
7. Accordingly, the 2nd petitioner/A3 is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *Judicial Magistrate, Avinashi* and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the 2nd petitioner shall stay at Cuddalore and sign before the Town Police Station, Cuddalore daily at 10.30 a.m. for the period of four months, apart from that, he shall attend the court hearings without fail and if any deviation in complying condition, the bail granted to the 2nd petitioner shall stand cancelled ;

(c) the 2nd petitioner shall not commit any offences of similar nature;

(d) the 2nd petitioner shall not abscond either during investigation or trial;



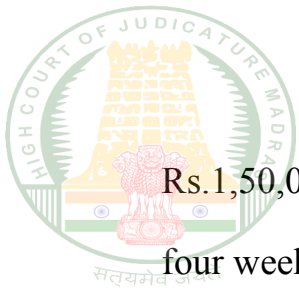
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(e) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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)AIR SCW 5560];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

8. Furthermore, as per the F.I.R., due to the attack of the petitioner along with other accused, the paternal uncle of defacto complainant sustained serious injuries and subsequently died. So, on considering the fact that the age of deceased is 42 years, this Court recommends that it is a fit case to refer, **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme**. The **District Legal Services Authority, Tiruppur**, is hereby directed to refer the matter to **District Collector, Tiruppur** to get compensation of **Rs.1,50,000/- (Rupees one lakh fifty thousand only)** to the family of deceased and after sanction of the amount **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme**, the amount of



Rs.1,50,000/- is ordered to be paid to the family of deceased within a period of four weeks from the date of receipt of copy of this order as per manner known to law.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate, Avinashi.

2. The Inspector of Police, Thirumuruganpoondi Police Station, Tiruppur Dt.

3. The Superintendent of Prison, Central Prison, Puzhal.

4. The Public Prosecutor, High Court, Madras

5. District Legal Services Authority, Tiruppur.

6. The District Collector, Tiruppur.

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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T.V.THAMILSELVI J.

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